

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 18.06.2019

CORAM

THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.OP.No.10589/2019

V.Anbazhagan

.. Petitioner

Vs

- 1.The Chief Secretary
The Government of Tamil Nadu
Fort St George, Chennai 600 009.
 - 2.The Director of Vigilance & Anti Corruption
No.293, MKN Road, Alandur,
Chennai 600 016.
 - 3.Mr.S.P.Velumani
Minister of Municipal Administration, Rural
Development and Panchayat Raj,
Fort St George, Chennai 600 009.
 - 4.K.P.Munusamy
Former Minister of Municipal Administration
Kaveripattinal, Krishnagiri,
Krishnagiri District.
- .. Respondents

Prayer:- Petition filed under section 482 Cr.P.C., to direct the first respondent to send the decision by virtue of petitioner's complaint dated 30.07.2018 to the 2nd respondent as per the section 17[A][1] of the Prevention of Corruption [Amendment] Act, 2018, within the stipulated time to be fixed by this Court.

For Petitioner : Mr.S.Kumara Devan

For Respondents : Mr.A.Natarajan, Public Prosecutor
assisted by Mr.K.Prabakar, APP

ORDER

The above petition has been filed seeking to direct the first respondent to send the decision by virtue of petitioner's complaint dated 30.07.2018 to the 2nd respondent as per section 17[A][1] of the Prevention of Corruption [Amendment] Act, 2018, within the stipulated time to be fixed by this Court.

2 The learned counsel for the petitioner would submit that the petitioner had sent a complaint to the 2nd respondent with regard to misappropriation of funds released to the Corporations and Municipalities for improvement of 615 existing toilets and construction of 404 new toilets. The petitioner had specifically made the complaint against one fictitious Company, viz., Urbane Industries Limited, having office at Ambattur, Chennai and against the former Minister, Commissioner and other officials of the Municipal Administration Department, for having entered into a criminal conspiracy and in collusion, having caused loss of more than Rs.100 Crores to the Government. The 2nd respondent had sent a letter dated 23.08.2018 under Petition No.7719/2018/PUB/CC-HQ, stating that they had not caused any enquiry into the contents of the petition and that the petition had been sent in original to the 1st respondent for necessary action as per section 17[A][1] of the Prevention of Corruption [Amendment] Act, 2018. Since no action has been taken by the 1st respondent, the petitioner had approached this Court, seeking for a direction to the 1st respondent to send a decision by virtue of section 17[A][1] of the Prevention of Corruption [Amendment] Act, 2018.

3 Mr.A.Natarajan, learned Public Prosecutor assisted by Mr.K.Prabakar, learned Additional Public Prosecutor would submit that based on the direction of the 1st respondent, preliminary enquiry was initiated in P.E.No.5 of 2019 dated 04.02.2019, pursuant to which, the petitioner was also summoned and he had attended the enquiry and the petitioner, suppressing the fact that he was summoned to the enquiry, has filed the present petition seeking for a direction. He would further submit that in view of the initiation of preliminary enquiry, the present petition has become infructuous.

4 I have considered the rival submissions and also perused the materials.

5 Taking into consideration that the preliminary enquiry had been initiated pursuant to the orders passed by the 1st respondent, the prayer in the present petition has become infructuous.

6 Hence, the criminal original petition stands closed, granting liberty to the petitioner to proceed in accordance with law before the appropriate Forum.

Sd/-
Assistant Registrar(CS)

//True copy//

Sub Assistant Registrar

AP

To

- 1.The Chief Secretary
The Government of Tamil Nadu
Fort St George, Chennai 600 009.
- 2.The Director of Vigilance & Anti Corruption
No.293, MKN Road, Alandur,
Chennai 600 016.
- 3.The Public Prosecutor
High Court, Chennai.

+1cc to Mr.S.Kumara Devan, Advocate SR.No.49667

+1cc to Public Prosecutor SR.No.49989

Cr1.OP.No.10589/2019

BS(CO)
GMY(05/07/2019)

WEB COPY