

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.06.2019

CORAM:

THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Cr1.O.P.No.11147 of 2019

V.Anbazhagan

... Petitioner

/Vs/

1. Chief Secretary
The Government of Tamil Nadu,
Fort St.George, Chennai-600 009.
 2. The Director of Vigilance and Anti-Corruption
No.293, M.K.N.Road, Alandur,
Chennai-600 016.
 3. M.C.Sampath,
Minister of Industrial Department
Fort St.George, Chennai-600 009.
 4. Abdhul Anand IAS,
Commissioner for Geology and Mining
Department of Geology and Mining
Thiru.Vi.Ka. Industrial Estate Guindy,
Chennai-600 032.
- ... Respondents

PRAYER: Criminal Original Petition filed under section 482 of Cr.P.C., to pass an order of Direction directing the 1st respondent to send the decision by virtue of petitioner's complaint dated 14.12.2018, to the 2nd respondent under Section 17(A) (1) of the Prevention of Corruption (Amendment) Act, 2018 within the stipulated time as fixed by this Court.

For Petitioner : Mr.S.Kumara Devan

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

O R D E R

This Criminal Original Petition has been filed seeking for a direction to the 1st respondent to take a decision by virtue of petitioner's complaint dated 14.12.2018, to the 2nd respondent, as per Section 17(A)(1) of the Prevention of Corruption (Amendment) Act, 2018, within the stipulated time, as may be fixed by this Court.

2. S.Kumara Devan, learned counsel for the petitioner would submit that the petitioner has preferred a complaint dated 14.12.2018 to the second respondent with regard to the illegality committed by the District Collectors, Officials of the Department of Geology and Mining, the then Ministers of Mines and Minerals Department and the then Ministers of Industries in waiving the penalty/fine amount of Rs.2,000 Crores imposed as against the illegal mines/Quarries. He would further submit that a Public Interest Litigation was filed in the year 2012 before this Court concerning illegal quarrying of mines in 32 districts of Tamil Nadu, based on a report sent to the Government in May, 2012 by Mr.U.Sagayam I.A.S, which exposed illegal granite quarrying in Madurai District that caused the Government an estimated loss of Rs.16,338 Crores. He would further submit that this Court also issued an order in the said PIL on 11.09.2014, appointing Mr.U.Sagayam I.A.S. as Special Officer to visit and inspect the mines, initially in Maduuri District and to submit a report before this Court; the said Officer also completed the work and submitted his report; now, the contents of the report have come into public view. He would further submit that despite the complaint being forwarded by the second respondent to the first respondent on 07.01.2019, no action has been taken so far, thereby, necessitating the petitioner to approach this Court seeking for a direction in this CrI.O.P.

3. Mr.A.Natarajan, learned Public Prosecutor, assisted by Mr.K.Prabakar, learned Additional Public Prosecutor, for the respondents would submit that by letter dated 07.01.2019 in Petn.No.12474/2018/PUB/CC-HQ, the complaint was forwarded by the 2nd respondent to the Principal Secretary to Government, Public (Special -A) Department, Secretariat, Chennai-9. The 2nd respondent had not caused any enquiry into contents of the above petition. Thereafter, the complaint was placed before the 1st respondent and that the 1st respondent finding that the allegations made in the petition were baseless had dropped the further action. He would further submit that the 1st respondent had also filed a counter affidavit to the same effect.

4. The said submissions of the learned Public Prosecutor is taken note of and the counter affidavit is taken on record. In view of the above, this Criminal Original Petition is closed, granting liberty to the petitioner to proceed in accordance with law.

Sd/-
Assistant Registrar (CS-III)

//True copy//

Sub Assistant Registrar

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To

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

+1cc to Mr.S.Kumara Devan, Advocate SR.No.52117

CrI.O.P.No.11147 of 2019

BS (CO)
GMY (14/08/2019)

सत्यमेव जयते

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