

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.09.2019

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

Crl.O.P.No.23933 of 2019

R.Veerakumar

.. Petitioner

Vs.

1.Director o Vigilance and Anti Corruption
No.293, MKN Road
Collectors Nagar
Alandur
Chennai-16

2.Director of Town Panchayats
Kuralagam
Chennai 108

3.K.Nandagopal

.. Respondents

Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code to direct the 1st respondent to take necessary action against the 3rd respondent working under the 2nd respondent in accordance with law by registering the petitioner's complaint dated 09.08.2019 within a reasonable time to be fixed by this Court.

For Petitioner : Mr.C.Selvaraj

For Respondent : Mrs.M.Prabavathi

Additional Public Prosecutor

O R D E R

The Criminal Original Petition has been filed by the petitioner to direct the 1st respondent to take necessary action against the 3rd respondent working under the 2nd respondent in accordance with law by registering the petitioner's complaint dated 09.08.2019 within a reasonable time to be fixed by this Court.

2.The learned counsel appearing for the petitioner would submit that the petitioner is a villager of Muthur Town Panchayat in Tirruppur District, who had made representation to the respondents 1 & 2 on 09.08.2019 against the 3rd respondent for various misdeeds and illegalities as an Executive Officer of Muthur Town Panchayat in Tirruppur. The specific allegation is that since there is no elected body, the Executive Officer as well as the Special Officer of the said town Panchayat, he has

not been functioning as per law and procedure. The following are the some of the examples of the illegalities committed by the 3rd respondent:

(a) While processing a planning permission in respect of a lay out proposed by a promoter in survey No.437/108 situated in Chinna Muthur Village in Muthur Town Panchayat, Tiruppur District, he recommended the application for planning permission, when there is a non-compliance of the requirement to provide the approach road having a width of 7.2 metres, as per the Government Order, confirmed by the information furnished by the Public Information Officer, under Right to Information Act. On the filed, the width of the approach Road is only 6.0 Metres. The 3rd respondent, for his personal gain, favoured the promoter without properly verifying the legal requirement for grant of planning permission. He deliberately acted against the Rules and Government Orders by illegally receiving money from the land developer.

(b) In the award of contract for collection of Toll in the market run by the Town Panchayat, he did not follow the rules as per Tamil Nadu Transparency in Tenders Act and thereby caused heavy loss to the Town Panchayat, but he illegally got money from the contractor.

(c) In respect of collecting Goods and Services Tax (GST), the 3rd respondent deliberately failed to discharge his duties in collecting exact Taxes to benefit the individuals, who are illegally paying money to him. 18% GST or Sales Tax shall be collected from the lease amount of all leases given by Town Panchayat should be collected and to pay to the Government. But, the 3rd respondent for his personal gain did not discharge his duty to collect the fixed taxes. Instead of collecting tax, he is illegally getting money from them. Approximately, about Rs.8 lakhs of loss has been caused to the Town Panchayat, because of the 3rd respondent's illegalities.

(d) Without properly conducting Tenders for buying the Street Light Bulbs, for two years, without even publishing in local newspapers; District Gazette without uploading e-tender, the 3rd respondent illegally chose to buy huge materials from the sellers of his choice by paying excess amount to the materials, when the total value of the bulbs and other electrical materials worth about more than Rs.1 Crores and when good quality materials are available in lesser rates. For example, LED 72W light fittings with IST Standard are available for Rs.3,000/-.

(e) Similarly, in purchasing Bleaching Powder and Phenyl also, huge amount was spent by him for obvious reasons, for personal gain, in violation of Tender Rules.

(f) while using ISI Standard PVC Pipes for execution of Drinking water Scheme as certified by Government, substandard materials are being used for replacement of water pipelines, by paying huge rates to the dealers in violation of Tender Rules.

(g) In buying EM Solution also for manufacturing urea from garbages, high bills were paid by showing as if huge materials were purchased and thereby swindled money from those payments.

3.The learned Additional State Public Prosecutor would submit that the petition has been received by them on 27.08.2019 and the same has been now forwarded to the 2nd respondent in Petition No.9047/19/JP/TPR dated 03.09.2019 for further action.

4.Recording the submissions made by the learned Additional Public Prosecutor, this petition stands closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The Director of Vigilance and Anti Corruption
No.293, MKN Road Collectors Nagar
Alandur, Chennai-16.

2.The Director of Town Panchayats
Kuralagam, Chennai 108

3.The Public Prosecutor
High Court of Madras

+1 cc to M/s.C.Selvaraj,Advocate Sr.No. 76440

AKM/25.09.19/3P-5C /

Cr1.O.P.No.23933 of 2019