



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 16.10.2019

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

W.P. (MD)No.17588 of 2019

WEB COPY

Sukumaran

... Petitioner

Vs.

1.The Director,
Vigilance & Anti-Corruption,
Chennai.

2.The District Collector,
Kanyakumari District
at Nagercoil.

3.The Superintendent of Police,
Kanyakumari District
at Nagercoil.

4.Roselin Premelatha @ Latha Chandran

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the impugned communication issued by the 1st respondent in Petn.No.8207/2018/MISC/KK, dated 28.08.2018 and quash the same and consequently directing the 1st respondent to order enquiry under the Prevention of Corruption Act against the 4th respondent for possessing disproportionate assets during the period while the 4th respondent was holding the public office in Aloor Town Panchayat, Kanyakumari District, as per the complaint dated 16.08.2018.

For Petitioner : Mr.V.Sasi Kumar

For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor
for R.1 to R.3

O R D E R

This writ petition has been filed by the petitioner as against the order passed by the Director, Vigilance & Anti-Corruption, Chennai / first respondent herein in Petn.No.8207/2018/MISC/KK, dated 28.08.2018, in and by which, the first respondent has forwarded the complaint of the petitioner to the Superintendent of Police, Kanyakumari District at Nagercoil / third respondent herein for taking necessary action. The petitioner has also sought for a consequential direction directing the first respondent to order enquiry under the Prevention of Corruption Act against the fourth

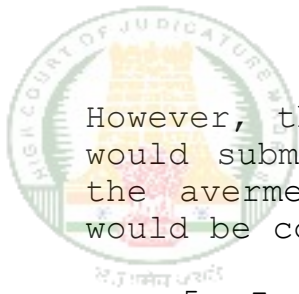


respondent for possessing disproportionate assets, by considering his complaint dated 16.08.2018.

2. The learned Counsel for the petitioner would submit that the fourth respondent, namely, Ms. Roselin Premalatha @ Latha Chandran, served as a member in Aloor Town Panchayat, Kanyakumari District during 2006 to 2011 and President of the said Panchayat during 2011 to 2016 and at present, she is holding the Office of the President, Veeranarayanaseri Primary Agricultural Co-operative Bank, Kanyakumari District. Alleging that the fourth respondent, while holding the public office in Aloor Town Panchayat, has amassed wealth, the petitioner has lodged the complaint. However, without any proper application of mind, the first respondent has mechanically forwarded the same to the third respondent.

3. The learned Counsel for the petitioner, in support of his claim, has also relied upon the documents obtained under the Right to Information Act. As per the document dated 20.10.2017, the fourth respondent has not mentioned any property in the form filed as on 2001 and in the year 2006, she has stated that she was in possession of a Royal Enfield motorcycle, bearing Reg.No.TN-74-4530 and 15 sovereigns of gold articles. In the year 2006, she was elected as Councillor and was holding the office till 2011. In 2007, she availed a benefit under a Housing scheme, as if she belongs to below poverty line. After her tenure as Councillor was over, the proceedings of Aloor Panchayat disclose that she amassed a wealth of more than 70 sovereigns of gold worth about Rs.14,00,000/- and bank deposits worth about Rs.11,00,000/- and that apart, 65 cents of housing plot worth about Rs.35,00,000/-. In the year 2016, she filed returns as if she is having 120 sovereigns of gold ornaments and 95 cents of housing plot worth about Rs.40,00,000/- and a building in 2500 sq.ft. worth about Rs.45,00,000/- and other properties. According to the learned Counsel, along with the complaint, the petitioner has also enclosed the materials obtained under the RTI Act, however, the first respondent, without considering the same, has forwarded it to the third respondent. It is his further case that the third respondent also has not taken any action on the complaint so far and therefore, prays for appropriate orders.

4. Per contra, the learned Additional Public Prosecutor appearing for the official respondents would submit that the complaint of the petitioner is vague and it was referring to so many incidents as against the husband of the fourth respondent, rather than pointing out the wealth amassed by her. He further pointed out that the complaint refers to certain katapanchayat and other activities carried out by the fourth respondent's husband and therefore, the complaint was forwarded to the Superintendent of Police, Kanyakumari District for taking necessary action at their end. Since the complaint mainly refers to some incidents pertaining to the fourth respondent's husband, they were not in a position to



However, the learned Additional Public Prosecutor, on instructions, would submit that if any fresh complaint is lodged with regard to the averment of amassing the wealth by the fourth respondent, it would be considered and necessary action would be taken.

5. In view of the undertaking given by the learned Additional Public Prosecutor, this Court, without going into the merits of the case, directs the petitioner to submit a fresh complaint, in the form of a representation, to the first respondent confining with regard to the allegations as against the fourth respondent about the amusement of wealth along with necessary documents. Such a representation shall be filed within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the first respondent shall take necessary action in the manner known to law.

6. With the above directions, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

gk

To

1.The Director,
Vigilance & Anti-Corruption,
Chennai.

2.The District Collector,
Kanyakumari District
at Nagercoil.

3.The Superintendent of Police,
Kanyakumari District
at Nagercoil.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to Mr.V.SASI KUMAR, Advocate (SR-92194[F] dated 16/10/2019)

W.P. (MD)No.17588 of 2019
16.10.2019

MK (05.12.2019) 3P 6C

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