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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.11.2019

CORAM:

THE HONOURABLE **MR.JUSTICE T.S.SIVAGNANAM**

and

THE HONOURABLE **MRS.JUSTICE R.THARANI**

Writ Petition (MD).No.23539 of 2019

and

W.M.P(MD).No.20167 of 2019

R.Kalai Lingam

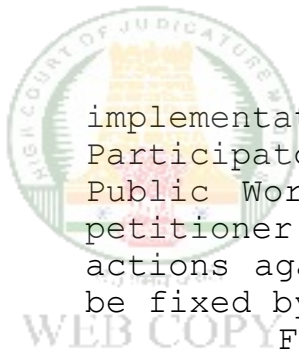
... Petitioner

Vs.

- 1.The Tamil Nadu State
rep., by the Secretary to Government,
Public Works Department,
Secretariat, Chennai-600 009.
- 2.The District Collector,
Collectorate,
Sivagangai District,
Sivagangai-630 561.
- 3.The Director of Vigilance and Anti Corruption,
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road, Alandur,
Chennai-600 016.
- 4.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
No.3/393, Thirupathur Road,
Sivagangai-630 561.
Sivagangai District.
- 5.The Executive Engineer,
WRD/PWD, Special Project Division,
Sivagangai-630 561.
Sivagangai District.
- 6.Ramasubbiah
- 7.Palanisamy
- 8.Nagarajan
- 9.Mathavan

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents 1 to 4 to conduct an enquiry in respect of funds utilized for



implementation of "Kudimaramath-Water Bodies Restoration with Participator Approach" in Sivaganga District in G.O(Ms).No.142, Public Works (W2) Department dated 25.05.2018 by considering the petitioner's representation dated 07.12.2018 and to take appropriate actions against the respondents 5 to 9 within a stipulated time may be fixed by this Court.

For Petitioner : Mr.M.Sarvanakumar

For Respondents : Mr.M.Murugan (for R1 to R5)
Government Advocate

O R D E R

(Order of the Court was made by **T.S.SIVAGNANAM, J.**)

Heard Mr.M.Sarvanakumar, learned counsel appearing for petitioner and Mr.M.Murugan, learned Government Advocate appearing for respondents 1 to 5.

2.By consent of both sides, this writ petition is taken up for final disposal at the admission stage itself.

3.The petitioner by way of this writ petition states that there is irregularity in the constitution of Society which has been entrusted with the Kudimaramathu work in respect of the tank in question. The petitioner would state that the persons who have not even granted any concern to become members of the Society, have been included and names of dead person also found place. Thus, it is submitted that under the guise of rejuvenation the tank, Government funds are deployed. On perusal of the representation given by the petitioner, it appears that there are certain other issues, which have prompted by the petitioner to file this writ petition. The petitioner has also sent a complaint to the third respondent.

4.The learned Government Advocate has produced a copy of the proceedings of the Director of Vigilance and Anti-Corruption dated 21.12.2018, which shows that the petition filed before the third respondent has not been enquired into on the ground that it does not disclosed any specific offence under the Prevention of Corruption (Amended Act 2018). It goes without saying that the Public Works Department has to closely monitor the kudimaramathu work because Government funds are deployed for such purpose. Therefore, we direct the second respondent to verify all the details and also conduct a spot inspection and if there is any irregularity, the same should be immediately rectified and appropriate action shall be taken against the persons, who had violated the provisions of the Government Order, which has taken a policy decision to rejuvenate and restore water bodies in the State of Tamil Nadu.



5. With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

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// True Copy //

Sd/-

Assistant Registrar (CS III)

Sub Assistant Registrar (CS)

rmk

To

1. The Secretary,
Public Works Department,
Secretariat, Chennai-600 009.
2. The District Collector,
Collectorate,
Sivagangai District,
Sivagangai-630 561.
3. The Director of Vigilance and Anti Corruption,
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Sivagangai District.
5. The Executive Engineer,
WRD/PWD, Special Project Division,
Sivagangai-630 561.
Sivagangai District.

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-96718[F] dated 07/11/2019)

+1 CC to M/s.SPL GP (SR-96972[F] dated 08/11/2019)

Writ Petition (MD).No.23539 of 2019

07.11.2019

_KK/SAR/27.11.2019/3P-8C/