

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 02.11.2020

PRONOUNCED ON : 10.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.15404 of 2020

R. Karuppannan

Petitioner

vs.

- 1 The Vigilance Commissioner  
Personnel and Administrative Reforms Department  
Secretariat  
Chennai 600 009
- 2 The Director of Vigilance & Anti Corruption  
Office at No.293, MKN Road  
Alandur  
Chennai 600 016
- 3 The Additional Superintendent of Police  
Vigilance and Anti Corruption  
Near Armed Police  
Vincent Bus Stop  
Salem 636 007
- 4 N. Subbash  
Proprietor, T.A.L.S.M. & Co.  
No.52, Kalaimagal Street  
Bodinaicken Patty  
Sooramangalam  
Salem District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents to forthwith take suitable action against the erring officials and the persons who have illegally collected the sum of Rs.7,00,000/- from each of the 141 excess shop occupants amounting to Rs.9,80,00,000/- from the occupants of temporary shops situated at Subhash Chandra Bose Ground near Salem Old Bus Stand, Salem, by considering and passing orders on the Complaint of the petitioner dated 19/09/2020.

For petitioner : Mr. K. Selvaraj  
For RR 1 to 3 : Mrs. P. Kritika Kamal  
Govt. Advocate (Crl. Side)

## ORDER

This writ petition has been preferred seeking a writ of mandamus directing the respondents to forthwith take suitable action against the erring officials and the persons who have illegally collected a sum of Rs.7,00,000/- from each of the 141 excess temporary shop occupants at Subhash Chandra Bose Ground near Salem Old Bus Stand, Salem, which amounts to Rs.9,80,00,000/- by considering and passing appropriate orders.

2 Heard Mr. K. Selvaraj, learned counsel for the petitioner and Mrs.P. Kritika Kamal, learned Government Advocate (Crl. Side) appearing for the respondent State. Since no order prejudicial to the interest of the fourth respondent is passed, this matter is taken up for final disposal at the admission stage itself.

3 It is the case of the petitioner that, he was doing business of selling flowers at VOC Flower Market, Daily Commercial Complex, Chinna Kadai Veedhi, Salem, for several years; the said building was owned by the Salem Corporation; the Salem Corporation decided to demolish the market building and construct a new complex under Smart City Scheme at a cost of Rs.14.58 crores; therefore, the Salem Corporation decided to evict the existing occupants and allot them temporary shops near the old bus stand; accordingly, the petitioner was allotted temporary shop No.46, for which, one Subash (the fourth respondent herein) had taken the contract for collecting toll licence from the allottees; the said Subash is illegally collecting Rs.100/- per day and the amount collected by him is being shared by the officials of the Salem Corporation; in this regard, the petitioner addressed a representation dated 21.05.2020 to various authorities and also a complaint dated 19.09.2020 to the Superintendent of Police, Vigilance and Anti Corruption Department, alleging that the Corporation officials have illegally collected Rs.9.80 crores as excess from the occupants of temporary shops and therefore, action should be taken against them; the Vigilance and Anti Corruption Department sent a communication dated 25.09.2020, advising the petitioner to approach the office of the Tamil Nadu Local Bodies Ombudsman, as the allegations relate to matters concerning a municipal body; not satisfied with the reply, the petitioner has filed the present writ petition seeking the above relief.

4 This Court carefully perused the representation dated 21.05.2020 and the complaint dated 19.09.2020 given by the petitioner.

5 In the opinion of this Court, the petitioner has merely made sweeping allegations against the contractor and the officials of the Salem Corporation that they have collected money to the tune of Rs.9.80 crores from 141 occupants, without anything more. The petitioner's complaint does not disclose the commission of a cognizable offence for the authorities to register an F.I.R. or take action. In Secretary, Minor Irrigation Vs. Sahngoo Ram Arya<sup>1</sup>, the Supreme Court has held that a police investigation cannot be ordered in order to find out if a person has committed an offence, since every person has a fundamental right under Article 21 of the Constitution of India not to be hounded by the police. In such view of the matter, this Court does not find any merit in this writ petition.

In the result, this writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1 The Vigilance Commissioner  
Personnel and Administrative Reforms Department  
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Vigilance and Anti Corruption  
Near Armed Police  
Vincent Bus Stop  
Salem 636 007
- 4 The Public Prosecutor  
High Court of Madras  
Chennai 600 104

+1cc to Mr.K.Selvaraj, Advocate, S.R.No.36439

order in  
W.P.No.15404 of 2020

AJS (CO)  
RV(02/12/2020)

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1 (2002) 5 SCC 521