



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.06.2020

CORAM:

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. (MD) .No.6293 of 2020

Dhanuskodi

... Petitioner

Vs.

1) The Directorate of Vigilance & Anti Corruptions,
No.293, MKN Road,
Alandur, Chennai.

2) The Deputy Superintendent of Police,
O/o District Vigilance & Anti Corruption,
Tirunelveli, Tirunelveli District.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents herein to conduct a Preliminary Enquiry on the basis of the petitioner's Complaint dated 12.05.2020 in accordance with the Vigilance and Anti Corruptions Manual.

For Petitioner : Mr.A.Thiruvadi Kumar

For Respondents : Mr.K.K.Ramakrishnan,
Additional Public Prosecutor

O R D E R

This Writ Petition is filed seeking for a direction to direct the respondents herein to conduct the Preliminary Enquiry, on the basis of the petitioner's complaint dated 12.05.2020, in accordance with Vigilance and Anti Corruptions Manual.

2. The case of the petitioner is that the petitioner is a Driver working with the Public Health and Preventive Medicine at Tirunelveli. The petitioner's brother, who is the owner of the lorry/A3, was implicated in Crime No.60 of 2020 for illegally transporting Public Distribution System Rice for which Mr.Siva Subbu, Inspector of Police, C.S.C.I.D., Tirunelveli District registered a case in Crime No.60 of 2020 and thereafter, it is alleged that Mr.Siva Subbu, Inspector of Police, C.S.C.I.D.,



Tirunelveli District demanded Rs.3,50,000/- as bribe from the petitioner to release his brother from the case.

3. Since the petitioner was not willing to pay the bribe amount, the petitioner made a complaint before the Deputy Superintendent of Police, concerned jurisdiction as well as before the Directorate of Vigilance & Anti Corruption (D.V.A.C.) for arranging a trap for Mr.Siva Subbu, Inspector of Police, C.S.C.I.D., Tirunelveli District. In the meanwhile, the trap was not conducted. However, after realizing that the trap was not conducted by the Deputy Superintendent of Police as well as the Directorate of Vigilance & Anti Corruption (D.V.A.C.)/respondents 1 and 2 herein, the petitioner made a complaint on 12.05.2020, seeking for a Mandamus to conduct preliminary enquiry in accordance with Vigilance and Anti Corruption Manual. Hence, the writ petition was filed with the above said prayer.

4. The learned counsel appearing for the petitioner would also submit that without going into the merits of the case, it would be suffice if a direction is issued to the first respondent to pass orders in accordance with Vigilance and Anti Corruption Manual, within a reasonable time that may be fixed by this Court.

5. The learned Additional Public Prosecutor appearing for the State, filed his counter affidavit and relied upon paragraph no.6 and the same reads as under:

"6. I respectfully submit that the allegation of acquisition of amassed wealth a Preliminary Enquiry has been registered vide PE 26/2020/POL/TI and the same is on progress and it would be dealt according to the facts of the case and law."

6. The learned Additional Public Prosecutor appearing for the State would submit that the petitioner's complaint will be disposed of within a period of six months and the preliminary enquiry shall be conducted in accordance with Vigilance and Anti Corruptions Manual.

7. This Court perused the documents and also considered the submissions made on either side.

8. In view of the above counter affidavit filed, this Court directs the first respondent to complete the Preliminary Enquiry and dispose of the petitioner's complaint dated 12.05.2020 within a period of six(06) months from the date of receipt of a copy of this order, after affording an opportunity of hearing to both the parties.



9. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

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// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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NOTE: In view of the present lock down owing to **COVID-19 Pandemic**, a web copy of this order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1) The Directorate of Vigilance & Anti Corruptions,
No.293, MKN Road,
Alandur, Chennai.
- 2) The Deputy Superintendent of Police,
O/o District Vigilance & Anti Corruption,
Tirunelveli, Tirunelveli District.

Order made in

W.P. (MD) .No.6293 of 2020

Dated:

03.06.2020

KM (16.07.2020) 3P 3C