

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.986 of 2019

K.Selvam

... Petitioner

Vs.

1.The Director of Vigilance and Anti-Corruption,
293, MKN Road, Alandur,
Chennai – 600 016.

2.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Ragavendra Nagar,
Thiruparuthi Kundram Road,
Kancheepuram District – 631 501.

3.The Superintendent of Police,
Central Bureau of Investigation,
ACB Chennai, 3rd Floor, Shastri Bhavan,
26, Haddows Road,
Chennai – 600 006.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records in impugned order in Petn.No.4069/2016/MISC/KM dated 24.05.2016 passed by the 1st respondent herein and quash the same and consequently direct the 3rd respondent to conduct investigation and take necessary action against the offenders for their irregularities committed by swindling the natural resources sand in survey

no.367/1A2, 1B, 1C and 1D at No.16, GST Road, Perungalathur Village, Tambaram Taluk, Kancheepuram District.

For Petitioner : M/s.T.Sundaravadanam
For Respondents : Mr.C.E.Pratap
Government Advocate (Crl. Side)

ORDER

This writ petition has been filed seeking issuance of Writ of Certiorarified Mandamus, calling for the records in impugned order in Petn.No.4069/2016/MISC/KM dated 24.05.2016 passed by the first respondent and to quash the same and to consequently direct the third respondent to conduct investigation and take necessary action against the offenders for their irregularities committed by swindling the natural resources sand in survey no.367/1A2, 1B, 1C and 1D at No.16, GST Road, Perungalathur Village, Tambaram Taluk, Kancheepuram District.

2.The learned counsel appearing for the petitioner submitted that he has given change of vakalat and hence, he is reporting no instructions. There is procedure available for revocation of vakalat. Without following the procedure and simply mentioning before the Court is not sufficient. Hence, I am inclined to proceed with the case and decide the same, based on the available records.

3.As per the affidavit filed in support of this petition, the petitioner is a resident of Thirumudivakkam, Chromepet, Chennai. The Managing Director of M/s.Shriram Properties Private Limited, Chennai purchased the Standard Motors building in lesser extent and constructed first phase of Shriram Gateway Multi Storey Constructions in S.No.367/1A2A and after obtaining NOC from the District Forest Officer, Chengalpattu Division, started construction for 11 towers in the forest land in S.Nos.367/1A2, 1B, 1C and 1D at No.16, GST Road, Perungalathur Village, Tambaram Taluk, Kancheepuram District under the name of Balaji Constructions. Further under the guise of construction, one Srinivasan belonging to Redhills locality has taken more than 55,000 loads of Earth in the forest land.

4.Though the Forest Department Officials and the Revenue Department Officials have knowledge of the same, they had not taken any action. Further the CMDA Officials also never intended to inspect the construction activities. Aggrieved by the same, the petitioner made representations dated 01.05.2016 and 28.12.2018 to the first respondent. Thereafter, the impugned order was passed. Hence, this petition.

5.Perusal of records reveal that the petitioner has earlier filed W.P.No.18530 of 2016 seeking issuance of Writ of Mandamus directing the respondents 1 to 5 therein to consider his representation dated 01.05.2016 before this Court and the Hon'ble First Bench of this Court, vide order dated 08.06.2016 has disposed of the said writ petition by observing that 'the representation of the petitioner to be decided on inspection of the site after notice to all concerned in accordance with law within a maximum period of three months from the date of receipt of a copy of the order'.

6.Perusal of records further reveal that pursuant to the said order, the District Collector, Kancheepuram vide letter dated 29.08.2016 had instructed the District Forest Officer, Chennai Division, The Revenue Divisional Officer, Tambaram, The Regional Transport Officer, Tambaram, The Deputy Director, Geology and Mining, Kancheepuram, The Executive Engineer, Public Works Department, Kancheepuram and The Tahsildar, Tambaram to jointly inspect the subject area and to furnish report. Accordingly, they conducted joint inspection and submitted their report stating that there is no illicit quarrying or illicit removal of Earth/ gravel noticed in S.F.No.367/1A2A, 367/1B, 367/1C and 367/1D. A pit dug in

S.F.No.367/1A2A for the construction of IT building is noticed. Further there is no encroachment and illegal removal of gravel / Earth in the Forest land in S.F.No.367/2 by Shriram Properties and Infrastructures Private Limited. The representation is a false one and has been made because of the private litigation between the competing business people. Hence, the representation dated 01.05.2016 requires no consideration and may be rejected. Thereafter, based on the said joint report, the District Collector, Kancheepuram, has vide order dated 20.09.2016, has rejected the representation made by the petitioner.

7.This Court perused the impugned order dated 24.05.2016. It is only a kind of communication from the first respondent to the Secretary, Vigilance Commission, Secretariat, Chennai, wherein, the petitioner's representation has been forwarded for taking necessary action. There is no adverse order as against the petitioner and I find nothing warrants interference.

8.In view of all the above, this writ petition is dismissed. No costs.

01.09.2021

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Speaking Order/ Non Speaking Order
Index: Yes/ No Internet: Yes/ No

M.DHANDAPANI,J.
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To

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