



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2021

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.12902 of 2016

and

W.M.P.Nos.11277 & 11278 of 2016

Vellore District Bus Owners Association
Rep. by its President,
No.141/3, New Bye-Pass Road,
Next to Hyundai Susee Cars,
Vellore - 632 012.

... Petitioner

Vs.

- 1.The Secretary,
Government of India,
Ministry of Road Transport & Highways,
Transport Bhawan,
1, Parliament Street,
New Delhi - 110 001.
- 2.National Highways Authority of India,
Rep. by its The Chairman,
G-5 & 6, Sector - 10, Dwarka,
New Delhi - 110 075.
- 3.The Central Vigilance Commission,
Rep. by its Chief Commissioner,
"Satarkata Bhavan", A-Block,
GPO Complex INA,
New Delhi - 110 023.
- 4.Central Bureau Investigation,
Rep. by it's Director,
Plot No 5-B, CGO Complex,
Lodhi Road,
New Delhi - 110 003.
- 5.Essel Walajahpet Poonamallee,
Toll Roads Private Limited,
Essel House, B-10, Lawrence Road,
Industrial Area,
New Delhi - 110 035.



6.The District Collector,
Office of the District Collector,
Sathuvachari,
Vellore District,
Vellore - 632 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 4th respondent to register a case and conduct enquiry into the activities of Fraud and conspiracy committed by the officials of the 1st and 2nd respondents in conferring undue benefit to the 5th respondent, by entering into an agreement dated 04.06.2012, by the 2nd respondent with the 5th respondent.

For Petitioner : Mr.N.Murali Kumaran
for M/s.MC GAN Law firm

For R1 : Mr.J.Madanagopal Rao
Senior Central Government
Standing Counsel

For R2 : Mr.Su.Srinivasan

For R6 : Mr.C.Kathiravan
Government Advocate

For R3 to R5 : No appearance

O R D E R
(Through Video Conferencing)

The relief sought for in the present writ petition is to direct the 4th respondent to register a case and conduct enquiry into the activities of fraud and conspiracy committed by the officials of the 1st and 2nd respondents in conferring undue benefits to the 5th respondent, by entering into an agreement, dated 04.06.2012, by the 2nd respondent with the 5th respondent.

2.A perusal of the complaint, dated 15.08.2015, by the petitioner to the respondent, would reveal that they have raised certain allegations against the officials and also in the matter of conferring certain benefits on the 5th respondent.

3.The learned Senior Central Government Standing Counsel appearing on behalf of the 1st respondent would submit that, all such benefits being granted are in consonance with the terms and conditions of the agreement. Once the benefits granted are in accordance with the terms and conditions of the contract, then



such a concessional agreement cannot be construed as a fraud or otherwise. The agreement being concessional in nature, certain benefits are conferred under the policy. Thus, the very allegations are untenable. He would submit that, in view of the poor performance of the 5th respondent, the contract itself was cancelled by the competent authorities in the year 2016 itself.

4.This Court is of the considered opinion that the allegations and counter allegations relating to certain corrupt activities cannot be gone into by this Court in the absence of examining relevant records. It is contended that the said concessions are given as per the terms and conditions of the contract. This being the nature of allegations and the petitioner being an Association, this Court thought it fit that the 3rd respondent has to look into the complaint, ascertain whether there is a prima facie case or not, and in such circumstances, appropriate actions are to be initiated.

5.In this view of the matter, the 3rd respondent, Central Vigilance Commission, is directed to look into the complaint with reference to the documents and take a decision, if there is any prima facie case in respect of the allegations set out in the complaint sent by the writ petitioner on 15.08.2015. If any prima facie case is made out, then further actions are to be initiated.

With these directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Deputy Registrar(CS)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Secretary,
Government of India,
Ministry of Road Transport & Highways,
Transport Bhawan,
1, Parliament Street,
New Delhi - 110 001.
- 2.The Chairman,
National Highways Authority of India,
G-5 & 6, Sector - 10, Dwarka,
New Delhi - 110 075.



3.The Chief Commissioner,
Central Vigilance Commission,
"Satarkata Bhavan", A-Block,
GPO Complex INA,
New Delhi - 110 023.

4.The Director,
Central Bureau Investigation,
Plot No 5-B, CGO Complex,
Lodhi Road,
New Delhi - 110 003.

5.The District Collector,
Office of the District Collector,
Sathuvachari,
Vellore District,
Vellore - 632 009.

+lcc to M/s.MeGan Law Firm, Advocate, S.R.No.51473
+lcc to the Government Pleader, S.R.No.52024

W.P.No.12902 of 2016

SJ(CO)
CB(27/10/2021)