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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2021

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.30497 OF 2014

K.Krishnakumar

... Petitioner

.Vs.

1. The Secretary to Government,
Commercial Tax & Registration Department,
Fort Saint George,
Chennai - 9.
2. The Director,
Vigilance and Anti Corruption,
No. C.P.21-28, B.S.Kumarasamy Salai,
Raja Annamalaipuram,
Chennai - 28.
3. The Commissioner
Disciplinary Proceedings,
Kuralagam,
Chennai - 108.
4. The Superintendent of Police,
Centre Circle ,
The Directorate of V & AC Department,
Chennai - 28.
5. The Inspector of Police
Vigilance and Anti Corruption,
Greenways Road,
Chennai - 28.

... Respondents

PRAYER:-

Writ Petition filed Under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the respondents to return the money of Rs.74,580/- (Rupees Seventy Four Thousand Five Hundred and Eighty) seized by the Inspector of Police Vigilance & Anticorruption, Chennai (Cr.No.9/AC/2005/CC2) on 27.09.2006 in the office of the



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Sub-Registrar Ambattur, Chennai-53 as per the Letter No.5601/V&AC 3/2003 Mu.tha.p dated 04.04.2013 on the file of the 4th respondent to the petitioner.

For Petitioner : Mr.D.Veerasekaran

For Respondents : Mr.K.M.D.Muhilan
(for R3 to R6)
Government Advocate

O R D E R

The writ on hand is filed to direct the respondents to return the money of Rs.74,580/- (Rupees Seventy Four Thousand Five Hundred and Eighty) seized by the Inspector of Police, Vigilance & Anti-corruption, Chennai (Cr.No. 9/AC/2005/CC2) on 27.09.2006 in the office of the Sub-Registrar, Ambattur, Chennai-53, as per the Letter No. 5601/V&AC 3/2003 Mu.tha.p dated 04.04.2013 on the file of the 4th respondent, to the petitioner.

2. The very nature of relief sought for in the writ petition is relatable to the criminal proceedings originally instituted against the petitioner. Pursuant to the raid conducted in the office of the Sub Registrar, unaccounted money were seized by the officials of the Vigilance and Anti Corruption department. Criminal case was registered. However, subsequently, all further proceedings were dropped. In view of the fact that enough evidences were not made available to proceed under criminal law, and a case was referred to the tribunal for disciplinary proceedings for conducting enquiry under the tribunal rules. The tribunal for disciplinary proceedings also conducted enquiry and passed orders.

3. However, all these progress made are not in dispute between the parties in the writ petition. The grievance of the writ petitioner is that money to the tune of Rs.74,580/-, seized by the Vigilance and Anti Corruption department, belongs to him.

4. The learned counsel for the petitioner made a submission that the petitioner claimed such money, however, the authorities refused to give the money. Even after closure of all proceedings, a claim is made and there is no response. Thus the petitioner is constrained to move the present writ petition.



5. The learned Government counsel appearing on behalf of the respondents submitted that the statement of the petitioner recorded at the time of investigation. As per the said statement of K.Krishnakumar, the writ petitioner, he was possessing a sum of Rs.12,506/- and the said amount was alone seized by the authorities of the Vigilance and anti corruption department. Relying on the said statement, the learned Government counsel for the respondent reiterated that the said admitted amount had already been disbursed to the petitioner and he acknowledged the receipt. While so, the petitioner cannot make any new claim for further disbursement of a sum of Rs.74,580/- which he had not said anywhere at the time of conducting investigation.

6. The learned Government Counsel appearing on behalf of the respondent further contended that nowhere the petitioner has stated that he was possessing a sum of Rs.74,580/- nor furnished any statement before the authorities of the Vigilance and Anti Corruption, during the relevant point of time. Thus, the writ petition is filed by setting out a new claim, which cannot be considered by the authorities for making reimbursement.

7. Considering the arguments as advanced, this Court is of the considered opinion that the alleged amount of Rs.74,580/- was said to be with the possession of the petitioner and kept in the office of the Sub Registrar. However, the respondents have denied the same by stating that the petitioner has not said so at any point of time, at the time of giving statement or subsequently. Even at the time of recovery of the said money, it was not with the possession of the petitioner.

8. However, the alleged money was the material object in respect of the criminal proceedings instituted against the persons. Thus, a writ Court cannot adjudicate such issues for the purpose of return of property. Any such disposal of property involved in a criminal case must be adjudicated by the competent criminal Court of law by following the procedures under the Code of Criminal Procedure. Thus, an elaborate enquiry in this regard with respect to the allegations set out cannot be done by this Court under Article 226 of the Constitution of India. In view of the fact that the respondents also denied that the petitioner has not even furnished any statement regarding his claim now set out in the writ petition, this Court is not in a position to consider the relief as such sought for. However, the petitioner is at liberty to approach the competent forum for the purpose of redressal of his grievances in the manner known to law.



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9. With these observations the writ petition stands disposed of. No Costs. No Costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

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+1cc to Mr.D.Veerasekaran, Advocate, S.R.No.54801

+1cc to the Government Pleader, S.R.No.55908

W.P.NO.30497 OF 2014

AJS(CO)
PBS/22/11/2021