



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

WEB COPY

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU
W.P.No.19870 of 2021

J.Krishnakumar

... Petitioner

-VS-

1. The State Vigilance Commission
293, MKN Road, Chennai
Tamil Nadu - 600 016.
2. Tamil Nadu Water Supply and Sewerage
Board, Rep.by its Director, Kamaraj
Salai, Chepauk, Chennai - 600 005.
3. The District Collector
Coimbatore District
Coimbatore - 641 018.
4. The Commissioner
Pollachi Municipality
Pollachi - 642 001.
5. The Executive Engineer
TWAD Board (Under Ground Sewerage Scheme)
No.5, A.S.D.Puram, Mahalingapuram
Pollachi - 642 002.
6. M/s.Subbiah Constructions Company Ltd
New No.26, Soundarapandiyan Street
Ashok Nagar, Chennai - 600 033.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Tamil



Nadu Water and Sewerage Board (2nd respondent) to dispose of the representation dated 20.07.2021 under the supervision of the 1st respondent.

WEB COPY For the Petitioner : Mr.V.Raghavachari

For the Respondents : Mr.P.Muthukumar,
State Government Pleader
for RR 1 to 3
: Mr.P.Srinivas for R-4

ORDER

(Order of the Court was made by The Hon'ble Chief Justice)

The grievance of the petitioner is that a representation made by the petitioner to the State Vigilance Commission about two months back has not been dealt with by such body.

2. The matter pertains to the construction of an underground sewerage project. The petitioner perceives irregularities in the procurement or supply or the work conducted under the project.

3. There could be various reasons why a citizen may feel aggrieved. It is also possible that a competitor may be excited to lodge a complaint whether directly or vicariously. It may not be appropriate to expect that the State Vigilance Commission will go into every complaint to address the same.

4. However, to the extent that the petitioner perceives that irregularities may have been committed in course of the work under the project being undertaken and since it is necessary to maintain a level of accountability in public projects and where public money is expended, the petitioner is permitted to carry a fresh, detailed representation in respect of the matters complained of to the Secretary in the Municipal Administration and Water Supply Department within four weeks from date, whereupon the concerned official will look into the same and take appropriate action in accordance with law. Whether or not the concerned official deems it appropriate to proceed against any person on the basis of the material furnished by the petitioner, the fate of the petitioner's representation should be communicated to the petitioner within a period of twelve weeks of the receipt of the representation.



5. It is made clear that the merits of the allegations levelled by the petitioner have not been gone into and, if any action is required to be taken in respect of the perceived irregularities, due notices ought to be issued by the concerned official to the parties likely to be affected by his decision, before any action is initiated.

6. Since Mr.P.Muthukumar, learned Government Pleader represents the official respondents in the present case, he should communicate this decision to the relevant Secretary entrusted to deal with the representation in terms of this order.

W.P.No.19870 of 2021 is disposed of. There will be no order as to costs.

Sd/-
Assistant Registrar (CS-CCC)

// True Copy //

Sub Assistant Registrar

sra/kst

To:

- 1 The State Vigilance Commission
293, MKN Road, Chennai
Tamil Nadu - 600 016.
2. Tamil Nadu Water Supply and Sewerage
Board, Rep.by its Director, Kamaraj
Salai, Chepauk, Chennai - 600 005.
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Pollachi - 642 001.



5. The Executive Engineer

TWAD Board (Under Ground Sewerage Scheme)

No.5, A.S.D.Puram, Mahalingapuram

Pollachi - 642 002.

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+1CC to M/s.V.Ragavachari, Advocate, SR.No. 47991

W.P.No.19870 of 2021

VSN II(CO)

B.VC (27/09/2021)