



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.06.2021

CORAM :

The Hon'ble Mr.JUSTICE T.S.SIVAGNANAM

AND

The Hon'ble Mrs.JUSTICE S.ANANTHI

W.P(MD).No. 5413 of 2021

K. Kesavamani

... Petitioner

Vs

1. The State rep. By

The Director,

Directorate of Vigilance and Anti Corruption (DVAC),

No.293, MKN Road, Alandur,

Chennai - 600 016.

2. The Deputy Superintendent of Police,

Vigilance and Anti Corruption Division,

Sivagangai District.

3. The Inspector of Police,

Vigilance and Anti Corruption Division,

Sivagangai District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus or any other appropriate writ, order or direction in the nature of Writ of Mandamus directing the respondents to consider the petitioner representation dated 22.01.2020 and consequently take appropriate action.

For Petitioner : Mr.R. Rajivgandhi

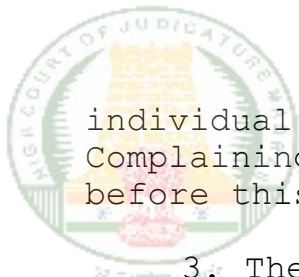
For Respondents : Mr.R. Baskaran,
Standing Counsel for Government

ORDER

[Order of the Court was made by **T.S. SIVAGNANAM, J.**]

This writ petition filed as Public Interest Litigation, seeks for a direction upon the respondents to consider the petitioner's representation, dated 22.01.2020 and to take appropriate action.

2. The petitioner has alleged that the Panchayat President, one Thiru.Murugan has involved in misappropriation of funds allotted by the Government for the welfare and development of the Panchayat. Further, there are several corrupt activities done by the said



individual and in this regard, petitions have been given. Complaining that no action has been initiated, the petitioner is before this Court.

3. The 2nd respondent has filed a counter affidavit, wherein, it has been stated as follows:

"7. It is respectfully submitted that some documents were collected in connection with the allegation made in the petition dated 22.01.2020 and conducted confidential enquiry through sources and also verified the allegation that the suspect officer Mr. Murugan, Panchat President accompanying with Mr. S. Selvam, Panchayat Secretary have violated the rules and regulations of Panchayat, created false vouchers and misappropriated the fund of Kandadevi Panchayat from the expenses done in the conseration ceremony of Shree Sornamoortheswarar Temple, Kandadevi on 05.02.2012. The confidential enquiry brought out that the allegations stated in the petition are prima facie made out which resulted in a Vigilance Report on 05.03.2021 and submitted the same to the DVAC vide No. 686/2020/MISC/SG, dated 05.03.2021 for further action.

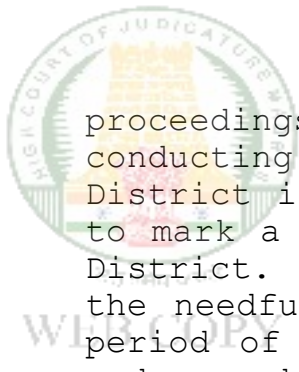
8. It is submitted that the averments of the petitioner in para 4 to 6 of the petition contains allegations of the petitioner mentioned in his petition dated 22.01.2020 and the same was found substantiated by this Respondent".

4. It is submitted by the learned counsel for the petitioner that further action may be directed to be initiated by the authorities to bring to hook the culprits, who have defrauded the Government money.

5. Mr. R. Baskaran, learned Standing Counsel for Government appearing for the respondents has produced before us the proceedings of the Director of Vigilance and Anti-Corruption, dated 15.04.2021, seeking for permission from the District Collector, Sivagangai District to conduct a preliminary enquiry.

6. The District Collector, Sivagangai District, should look into the matter and grant necessary permission, so that proper enquiry can be conducted.

7. Accordingly, this writ petition is disposed of with a direction to the 2nd respondent to pursue the matter before the District Collector, Sivagangai District, who shall consider the request made by the Vigilance and Anti-Corruption Department, by



proceedings, dated 15.04.2021 and grant necessary permission for conducting the enquiry. Since the District Collector, Sivagangai District is not a party to the writ petition, Registry is directed to mark a copy of this order to the District Collector, Sivagangai District. The District Collector, Sivagangai District, shall do the needful in the matter at the earliest, preferably, within a period of four weeks from the date of receipt of a copy of this order and after obtaining permission, the 2nd respondent shall commence and complete the enquiry, within a period of two months, thereafter. No Costs.

Sd/-

Assistant Registrar(CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

ksa/rm

Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the 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 Director,
Directorate of Vigilance and Anti Corruption (DVAC),
No.293, MKN Road, Alandur,
Chennai - 600 016.
2. The Deputy Superintendent of Police,
Vigilance and Anti Corruption Division,
Sivagangai District.
3. The Inspector of Police,
Vigilance and Anti Corruption Division,
Sivagangai District.

Copy to :

The District Collector,
Sivagangai District.

Order made in
W.P(MD).No. 5413 of 2021
07.06.2021

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