



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the First day of April Two Thousand and Twenty One

PRESENT

WEB COPY

The Hon`ble Mr.Justice K.MURALI SHANKAR

WMP(MD) No.4315 of 2021

in

W.P.(MD)No.2549 of 2021

T.MUTHURAJA

... PETITIONER/
PROPOSED 5th RESPONDENT

Vs

1 J.CHENTHIL RAJAN

... RESPONDENT/ WRIT PETITIONER

2 THE DIRECTOR

VIGILANCE AND ANTI - CORRUPTION, CHENNAI - 16.

3 THE ADDITIONAL SUPERINTENDENT OF POLICE,

HEAD QUARTERS, VIGILANCE AND ANTI - CORRUPTION, CHENNAI.

4 THE DEPUTY SUPERINTENDENT OF POLICE,

VIGILANCE AND ANTI - CORRUPTION, TIRUNELVELI.

5 THE INSPECTOR OF POLICE

VIGILANCE AND ANTI - CORRPTION,

TIRUNELVELI.

... RESPONDENTS/ 1 TO 4 RESPONDENTS

Petition filed praying that in the circumstances stated therein and in the affidavit filed therewith the High Court may be pleased to implead the petitioner herein as 5th respondent in the above writ petition in WP(MD).No.2549/2021 and thus render justice.

Prayer in WP(MD). 2549/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to pass an order or Direction or Writ more particularly in the nature of Writ of Certiorarified Mandamus by calling for the entire records pertaining to the communication made by the 2nd respondent vide Petn.No.9825/2020/POL/KK dated 13/11/2020 and quash the same and consequently direct the 1st and 2nd respondents to investigate the petitioner's complaint dated 21/10/2020 and proceed with the same in the light of the provisions contained in Prevention of Corruption (Amendment) Act 2018.

ORDER : This petition coming up for orders on this day, upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr.A.THIRUKUMARAN, Advocate for the petitioner and of Mr.R.ANAND, Advocate for the 1st Respondent and



Mr.K.K.RAMAKRISHNAN, Additional Public Prosecutor for the Respondents 2 to 5, the court made the following order:-

Reserved On: 26.03.2021

Pronounced On: 01.04.2021

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The petitioner, who is a third party, has filed the above application, seeking order to implead himself as 5th respondent in the above writ petition.

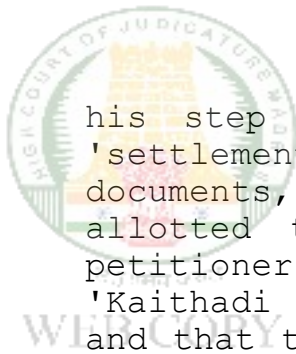
2.The first respondent/writ petitioner has filed the above petition, seeking orders or direction or writ in the nature of Writ of Certiorarified Mandamus by calling for the entire records pertaining to the communication made by the third respondent vide Petition No.9825/2020/POL/KK, dated 13.11.2020 and quash the same and consequently, directing the respondents 2 and 3 to investigate the writ petitioner's complaint dated 21.10.2020 and proceed with the same as per the provisions of the Prevention of Corruption (Amendment) Act, 2018.

3.I have heard Mr.A.Thirukumaran, learned counsel for the petitioner, Mr.Anand learned counsel for the first respondent and Mr.K.K.Ramakrishnan, learned Additional Public Prosecutor for the respondents 2 to 5 and perused the records.

4.A cursory perusal of the affidavit filed in support of the above impleading petition and the counter affidavit of the first respondent would reveal that there existed property disputes between the family of the first respondent / writ petitioner and the family of writ petitioner's paternal uncle/father's brother . It is admitted by both the parties that a concern by name V.V.Marine Products is a partnership firm and that the family members of S.Jegadesan, father of the writ petitioner and the family members of S.Vaikkundarajan, both of the said S.Jegadesan were partners of the said firm.

5.It is the specific case of the proposed party that both the families have entered into a Kaithadi Partition Deed dated 31.12.2018 and whereunder, the firm V.V.Marine Products was allotted to the share of the family S.Vaikkundarajan, that the legal proceedings of the writ petitioner were ended in failure and that the said S.Vaikkundarajan, as the managing partner has been managing and administering the affairs of V.V.Marine Products.

6.The case of the writ petitioner is that his family members and the family members of the said S.Vaikkundarajan are the partners of V.V.Marine products, that the said S.Vaikkundarajan, has created a deed in the name and style of 'Kaithadi Pahapirivina Pathiram' on 31.12.2018 and he used the writ petitioner's family members signed [~~https://hdsrvt.com/secure/~~](https://hdsrvt.com/secure/) fabricating such documents, that by colluding with



his step brother Ganesan has come up with another document as 'settlement agreement' dated 02.01.2019, that after creating those documents, has started to claim that 'A' schedule properties were allotted to the family of the writ petitioner, that the writ petitioner's family has been disputing the very execution of the 'Kaithadi Pahapirivinai Pathiram' and the same was a rank forgery and that the question of V.V.Marine Products going to the share of the said S.Vaikkundarajan and his family would not arise at all.

7. Due to the property dispute pending between them, they have been making complaints after complaints against each other. The main case of the writ petitioner is that their complaints against the criminal activities of his paternal uncle, given to the one Pattani the then Inspector of Police, Eral Police Station and Mr. Sureshkumar, the then Deputy Superintendent of Police, Srivaikundam Sub Division, were not received and hence, they were compelled to send the complaints through on-line, that though the FIR came to be registered as per the directions of the learned Magistrate under Section 156(3) Cr.P.C, they have not taken any action against the other side, that the said Suresh Kumar, Deputy Superintendent of Police has been compelling the writ petitioner, to settle the matter with his paternal uncle by paying Rs.75 Crores and then to pay commission to him, that both the police officers had been all along favouring the family of said S.Vaikkundarajan for extraneous consideration, that therefore the writ petitioner has lodged a complaint to the higher police officials and Government, that the second respondent through the third respondent has given a reply stating that the writ petitioner's complaint, dated 21.10.2020, has been directed to be enquired by the Inspector General of Police, South Zone, Madurai, that since the said authority does not have competency or jurisdiction for enquiring any complaint under the Prevention of Corruption Act, the same has to be investigated by the respondents 1 and 2 and that therefore, the writ petitioner was constrained to file the above writ petition.

8. According to the proposed party, he is a Manager of V.V.Marine and Fernando Intercontinental Processing units. But, according to the writ petitioner, the petitioner is the dismissed employee of their concern as he has indulged in illegal activities inclusive of obtaining commission from the Shrimp sellers and from the dealers who sold Cold Storage machineries. No doubt, the writ petitioner in his affidavit at one place while narrating the Instance No.1, referred the name of the proposed party alleging that the said Muthuraju along with a team of hooligans barged into partnership firm with lethal weapons, threatened the employees and went away.

9. Even assuming for arguments sake that he is the Manager of the Marine Products, he has nothing to do with the present complaint of the writ petitioner. According to the writ petitioner, since two



police officers had refused to receive the complaints and failed to take any action against the group headed by the said S.Vaikundarajan, he approached the Vigilance Department to investigate the complaint against two police officers.

10. It is pertinent to mention that the two police officers against whom action is sought to be taken are not before this Court and in order to decide the present case, even their presence cannot be said to be absolutely necessary and if that be so, the presence of the proposed party is also not at all necessary to adjudicate claim of the writ petitioner. The proposed party has not at all shown as to how his presence is necessary for deciding the case on hand. Whether the writ petitioner is entitled to get the relief claimed or not is the point to be decided and as such, the proposed party cannot be considered as a necessary party, whose presence is not necessary for deciding the dispute under challenge. Considering the above, this Court decides that the impediment of the proposed party is not at all warranted and as such, the application which is devoid of merits, is liable to be dismissed.

11. In the result, the Writ Miscellaneous Petition is dismissed.

sd/-

01/04/2021

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/ /2021

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE DIRECTOR

VIGILANCE AND ANTI - CORRUPTION, CHENNAI - 16.

2 THE ADDITIONAL SUPERINTENDENT OF POLICE,

HEAD QUARTERS,

VIGILANCE AND ANTI - CORRUPTION, CHENNAI.

3 THE DEPUTY SUPERINTENDENT OF POLICE,

VIGILANCE AND ANTI - CORRUPTION,

TIRUNELVELI.

4 THE INSPECTOR OF POLICE

VIGILANCE AND ANTI - CORRPTION, TIRUNELVELI.

+3CC TO Mr.R.ANAND, ADVOCATE, SR NO.2898

ORDER IN

WMP(MD) No.4315 of 2021

IN W.P.(MD)No.2549 of 2021

Date :01/04/2021

DAS

<https://hdservices.ecourts.gov.in/hdservices/4.2021/4P.8C>