



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
RESERVED ON : 29.06.2021
PRONOUNCED ON : 30.07.2021
CORAM

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

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W.P. (MD)No.22371 of 2017
and W.M.P. (MD)No.18677 of 2017

S.K.Stalin : Petitioner

Vs.

1.The Director,
Directorate of Vigilance and Anti-Corruption (DVAC),
No.293, M.K.N.Road,
Alandur, Chennai - 600 016.

2.The Director of Handlooms & Textiles,
Kuralagam, Chennai - 108. : Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned proceedings in Petn.No.7371/2017/COOP/MU, dated 11.09.2017 passed by the 1st respondent and to quash the same and for a consequential direction to direct the first respondent to investigate into the complaint of the petitioner, dated 24.08.2017 within a time frame that may be stipulated by this Court.

For Petitioner : Mr.T.Sathishkumar
for Mr.P.T.Ramesh Raja
For Respondents : Mr.T.Senthil Kumar
Government Advocate (Crl.side)

ORDER

This Writ Petition is filed to quash the impugned proceedings passed by the first respondent, dated 11.09.2017 and for a direction to direct the first respondent to investigate into the complaint of the petitioner, dated 24.08.2017, within a time frame that may be stipulated by this Court.

2.Heard Mr.K.Sathish Kumar, learned Counsel representing Mr.P.T.Ramesh Raja, learned Counsel for the Petitioner and Mr.T.Senthil Kumar, Government Advocate (Crl.side) appearing for the respondents.

3.After hearing the learned Counsel for the Writ Petitioner and the learned Government Advocate (Crl.side), this Court is of the
<https://hcservices.ecourts.gov.in/hcservices/>



opinion that instead of directing the Vigilance Department/first respondent, the second respondent can communicate the enquiry report to the petitioner, who has already sent a complaint regarding misappropriation of funds and corrupt practices in Sri Inbavinayagar Handloom Weavers Co-Operative Society, Madurai.

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4.As per the counter filed by the second respondent, it is found that there are reasonable doubt in the minds of the second respondent regarding the misappropriation of funds and malpractices in Sri Inbavinayagar Handloom Weavers Co-Operative Society, Madurai. But they had declined to furnish report of the enquiry to the complainant. That is found unacceptable and unreasonable. At the same time, the counter states that the petitioner had not pinpointed the allegations. The allegations are vague in nature. The counter filed by the second respondent substantiate the gist of the complaint of the petitioner herein.

5.While so, if the second respondent is satisfied based on the enquiry conducted, then the report is to be furnished to the petitioner. The second respondent cannot hide those facts from the petitioner. If the second respondent is satisfied from the report of the Enquiry Officer, who had conducted preliminary enquiry, that there is *prima facie* materials available for a bribe either the vigilance or any other Special Unit of the Tamil Nadu Police, as per the Tamil Nadu Co-Operative Societies Act, then the Registrar within his discretion to order such a enquiry.

6.For the present, the second respondent/Director of Handlooms and Textiles, Chennai, is directed to conduct an enquiry by affording an opportunity to the petitioner herein to furnish the materials in his custody to proceed with the enquiry and also after completion of the enquiry, to furnish a copy of the enquiry report to the petitioner and the first respondent.

7.With the above directions, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-I)

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/ /2021

Sub Assistant Registrar(CS)

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To

1.The Director,
Directorate of Vigilance and Anti-Corruption (DVAC),
No.293, M.K.N.Road,
Alandur, Chennai - 600 016.

2.The Director of Handlooms & Textiles,
Kuralagam, Chennai - 108.

order made in
W.P. (MD) No.22371 of 2017
30.07.2021

smv (CO)
TR(06.08.2021) 3P 3C