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W.P.No.4231 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.4231 of 2022

K.Sundarmani

... Petitioner

Versus

1.The Director,
Vigilance and Anti Corruption Department,
M.K.N.Road,
Chennai – 600 016.

2.Mageshwari,
Secretary,
Tamil Nadu Local Bodies Ombudsman,
No.100, Annasalai, Guindy,
Chennai – 600 032.

3.The Commissioner,
Kancheepuram City Municipal Corporation,
Annai Indira Gandhi Salai,
Kancheepuram – 631 502.

4.M.Santhavalli,
Junior Assistant,
Kancheepuram City Municipal Corporation,
Annai Indira Gandhi Salai,
Kancheepuram – 631 502.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ, Order or Direction in the nature of Writ of Mandamus, directing the 1st respondent to take action against the respondents 2 and 4 on the basis of the petitioner's representation dated 15.11.2021 and complete



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the enquiry within the stipulated time.

For Petitioner : Mr.B.Kumar, Senior Counsel for
Mr.G.Pavendhan
For R1 : Mr.S.Udhayakumar,
Government Advocate (Crl. Side)
For R2 & R4 : Mr.A.R.L.Sundaresan, Senior Counsel
for M/s.A.L.Gandhimathi
For R3 : Mr.P.Srinivas

ORDER

This Writ Petition has been filed to direct the 1st respondent to take action against the respondents 2 and 4 on the basis of the petitioner's representation, dated 15.11.2021 and complete the enquiry within the stipulated time.

2.The learned Senior Counsel appearing for the petitioner submitted that the petitioner is a registered contractor in the Kancheepuram Municipality, he submitted the representation to the 1st respondent, dated 15.11.2021, seeking action against the respondents 2 and 4 for causing loss of Rs.1,15,97,040/- by extending the tenders for purchase of Lizol disinfectant from the year 2020 for 13 times from 12.05.2020 to 17.06.2021. The 2nd respondent called for the tenders for purchase of Lizol for Rs.280/-. On 13.05.2020, the tender was awarded to M/s.Balaji



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Enterprises, Bazar Street, Iyyampalayam Post, Dindugal for supply of 2700 litres Lizol and amount of Rs.8,92,080/- was paid. Subsequently, without calling for fresh tender, the existing tender has been periodically extended from 13.05.2020 to 17.06.2021 and thereby, caused huge loss. With the above allegations, though the petitioner sent representation, dated 15.11.2021 to the 1st respondent, no action action till then. Hence, the petitioner has filed this Writ Petition seeking appropriate direction.

3.The learned Government Advocate (Crl. Side) appearing on behalf of the 1st respondent filed status report, dated 24.03.2022 and submitted that the 1st respondent addressed to the Vigilance Commissioner, Secretariat, Chennai on 09.03.2022 forwarding the report to the competent authority to obtain necessary prior approval under Section 17(1)(A) of Prevention of Corruption Act, 1988, so as to conduct a preliminary enquiry. Today, he filed another status report stating that during purchase of Lizol disinfectant, proper procedures have not been followed by the respondents 2 and 4 and further, stock/sub-stock registers were not properly maintained by them. Hence, to register regular case against the respondents 2 and 4, for offence under Sections 13(2) r/w 13(1)(a) of the Prevention of Corruption



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Act, 1988, a communication has been sent to the competent authority. After getting approval, regular case will be registered, investigation will be conducted and it would be taken into logical end.

4.The learned Senior Counsel appearing for the respondents 2 and 4 submitted that the preliminary enquiry itself is not needed on the complaint of the petitioner, dated 15.11.2021 for the reason that the Lizol disinfectant was purchased during the lock down period due to COVID-19 pandemic, hence, orders were passed to the concerned authorities to somehow purchase Lizol disinfectant and bleaching powder etc. Further, the petitioner herein has personal grudge and business rivalry against M/s.Balaji Enterprises, for which, the respondents 2 and 4 have been victimized. He further submitted that during the relevant point of time, the respondents 2 and 4 have properly maintained the stock/sub-stock registers. But the 1st respondent in a haste manner proceeding against them without any *prima facie* material.

5.On considering the submissions and on perusal of materials, it is seen that already, the 1st respondent conducted preliminary enquiry,



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collected materials and now awaiting orders for registration of regular case against the respondent 2 & 4 and others. Hence, there is no necessity to direct the 1st respondent again to consider the representation of the petitioner, dated 15.11.2021.

6.It is made clear that the respondents 2 and 4 and others are at liberty to give representation to the competent authority putting forth all details and reason for purchase of Lizol during the COVID-19 pandemic and thereafter, it is for the appropriate authority to consider the same.

7.With the above observations, this Writ Petition is disposed of.

No costs.

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Index : Yes/No
Internet: Yes/No

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To

1.The Director,
Vigilance and Anti Corruption Department,
M.K.N.Road,
Chennai – 600 016.

2.The Commissioner,
Kancheepuram City Municipal Corporation,
Annai Indira Gandhi Salai,



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Kancheepuram – 631 502.

3. The Public Prosecutor,
High Court, Madras.



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M.NIRMAL KUMAR, J.
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