



W.P.No.11350 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.10.2022

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THE HONOURABLE **MR.JUSTICE C.SARAVANAN**

W.P.No.11350 of 2019

S.Mani

... Petitioner

Vs

- 1.The Joint Director,
Central Bureau of Investigation,
3rd Floor, Shastri Bhavan,
No.26, Haddows Road,
Nungambakkam, Chennai.
- 2.The Joint Secretary to the
Government of India and
The Central Registrar of
Co-operative Societies,
Room No.479B,
Department of Agricultural and Co-operation,
Krishi Bhavan,
New Delhi - 110 114.
- 3.The Central Vigilance Commission,
Starkato Bhavan,
Block A, GOP Complex,
INA, New Delhi - 110 001.
- 4.The Director General of Income Tax (Investigation),
No.108, Mahatma Gandhi High Road,
Nungambakkam, Chennai - 600 034.



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5.The Government Telecommunication
Employees Co-operative Society Limited,
Represented by its Secretary,
No.112, Sembudas Street,
Chennai - 600 001.

6.The Chief General Manager (Vigilance),
Bharat Sanchar Nigam Limited (BSNL),
No.16, BSNL Telephones,
Greems Road,
Thousand Lights, Chennai - 600 002.

(R6 *suo motu* impleaded vide order of
this Court in W.P.No.11350 of 2019
dated 28.10.2022)

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus, to direct the respondents
herein to register the petitioner's complaint dated 27.12.2018.

For Petitioner : Mr.L.N.Pragasham

For Respondents :
For R1 : Mr.K.Srinivasan
Special Public Prosecutor

For R2 : Mr.P.G.Santhosh Kumar
Senior Panel Counsel

For R3 : No appearance

For R4 : Mr.A.P.Srinivas
Senior Standing Counsel



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ORDER

This writ petition has been filed for a Mandamus to direct the respondents herein to register the petitioner's complaint dated 27.12.2018.

2. At the time of previous hearing on 29.01.2020, this Court had made an observation that *prima facie* intention of the petitioner appears to threaten the fifth respondent by securing an order from this Court and therefore the case was listed on 21.02.2020 to explain the maintainability of the writ petition.

3. The petitioner appears to be a Member of the fifth respondent Society. He has since retired during the pendency of the present writ petition. It is noticed that, already an order had been passed by this Court in W.P.Nos.19843 of 2020 and 4033 of 2022 filed by one A.Babu Radhakrishnan and others, by directing the fourth and fifth respondents therein namely S.Veeraraghavan and K.Ragunathan, to take steps for amending the bye-laws within a period of three months from the date of



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receipt of the copy of the order and thereafter hold elections as the elections have not been held for a pre-dominantly long period for the fifth respondent Society.

4. The Hon'ble Division Bench of this Court in W.A.No.384 of 2022 by its order dated 01.03.2022 had intervened against an interim order passed by a learned single Judge of this Court on 24.09.2021 in W.M.P.No.4678 of 2021 in W.P.No.4099 of 2021 by directing the Central Government to exercise its power vested under Sections 77 and 122 of the Multi State Co-operative Societies Act, 2002, within a period of one month from the date of receipt of the copy of the said order.

5. That apart, during the pendency of the present writ petition, based on the complaint received from the petitioner on 27.12.2018, the Central Bureau of Investigation the third respondent therein, the first respondent herein, has already forwarded a complaint to the Chief General Manager (Vigilance), Bharat Sanchar Nigam Limited (BSNL), No.16, BSNL Telephones, Greems Road, Thousand Lights, Chennai - 600 002, to take further action thereon.



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6. Considering the above, I am of the view, no further direction is required to be passed separately, as the petitioner's representation has received attention and the Chief General Manager (Vigilance), Bharat Sanchar Nigam Limited (BSNL), No.16, BSNL Telephones, Greems Road, Thousand Lights, Chennai - 600 002, has been directed to take action.

7. That apart, the Hon'ble Division Bench of this Court has also directed the Central Government to exercise its power under Sections 77 and 122 of the Multi State Co-operative Societies Act, 2002, within a period of one month from the date of receipt of the aforesaid order in W.A.No.384 of 2022. What is required is, only the compliance of the aforesaid order of the Hon'ble Division Bench of this Court and further action by the Chief General Manager (Vigilance), Bharat Sanchar Nigam Limited (BSNL), No.16, BSNL Telephones, Greems Road, Thousand Lights, Chennai - 600 002, pursuant to the communication dated 19.08.2019.



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8. In view of the above, I am inclined to dispose of the writ petition by *suo motu* impleading the Chief General Manager (Vigilance), Bharat Sanchar Nigam Limited (BSNL), No.16, BSNL Telephones, Greems Road, Thousand Lights, Chennai - 600 002, as a sixth respondent to take further action/steps to independently enquire and look into the complaint of the petitioner on 27.12.2018. The sixth respondent shall co-ordinate with the second respondent Central Government, while the second respondent complies with the direction of the Hon'ble Division Bench of this Court in W.P.No.384 of 2022 dated 01.03.2022.

9. The sixth respondent is directed to complete the exercise within a period of six months from the date of receipt of a copy of this order.

10. This Writ Petition stands disposed of with the above observations. No costs.

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Index : Yes/No
Speaking/Non-Speaking Order

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C.SARAVANAN, J.

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