



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :21.01.2022

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.24815 of 2014

Nachimuthu

...Petitioner

Vs.

1. The Chief Secretary to Government,
Secretariat,
Chennai-9.

2. The Director
Directorate of Vigilance and Anti-Corruption
NCB.21 to 28 P.S.Kumarasamy Raja Salai
(Greenways Road), Raja Annamalaipuram
Chennai-28.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Mandamus directing respondent No.1 to hold an appropriate enquiry into the allegations of corruption against public servants contained in the petition dated 06.02.2014 of the petitioner which was forwarded by respondent No.2 to respondent No.1 vide a communication bearing No. 1330/2014/ PUB/ER dated 28.02.2014 and also take consequential action within a reasonable time as may be fixed by the Honourable Court.

For Petitioner : Mr.M.Radhakrishnan

For Respondents : Mr.V.Arun [R1]
Additional Advocate General
Assisted by
Mr.M.Rajendiran
Additional Government Pleader
Mr.A.Damodaran [R2]
Additional Public Prosecutor

ORDER

The relief sought for in the present writ petition is to direct the 1st respondent to hold an appropriate enquiry into allegation of corruption against the public servant contained in the petition dated 06.02.2014, which was forwarded by the 2nd respondent to the 1st respondent vide communication bearing



dated 28.02.2014.

2. The petitioner states that he is an agriculturist. Erode Outer Ring Road Project was commenced at the time of filing of the writ petition and now it is completed. During the execution of the project, survey of lands were undertaken by the Competent Authorities and the petitioner has made an allegation against the public official that in order to favour then Ministers Mr.N.K.K.P. Raja and Mr.Muthur Swaminathan former Ministers, the road was aligned on certain extraneous considerations and public money of several crores was wasted by the Authorities. The complaint filed by the petitioner reveals that the public has given complaint against the Highways Department Authorities, then District Collector Mr. Udayachandran IAS, with reference to the survey conducted. It is contented that the former Ministers were involved in the project deviation/alignment, which caused huge loss to the public exchequer. Thus, action were sought to be initiated.

3. The learned Additional Advocate General appearing on behalf of the R1 relying on the documents including Expert Committee's Report etc., made a submission that the alignment was done after conducting a detailed study and in order to form the Ring Road in a practical manner as per the scheme. Even the letter of the Director General of Highways dated 27.10.2014 deals with the allegations raised by the petitioner wherein the Director General of Highways formed an opinion that the allegations are incorrect and suggested that no further action is necessary in respect of the execution of Erode Outer Ring Road.

4. Learned Additional Advocate General further states that the petitioner is also a person who received compensation for the acquisition of his land and the writ petition filed by him challenging the land acquisition proceeding was dismissed. Therefore, based on certain personal motives such general allegations are made against the former Ministers and the public officials and on this ground also the writ petition is liable to be rejected.

5. This Court is of a considered opinion that, no doubt, any complaint regarding the corrupt activities have to be seriously looked into by the Competent Authorities. However, the nature of allegations raised are important for the purpose of conducting an enquiry. Certain general allegations, if made, it may not be possible for the Authorities to conduct a detailed enquiry. However, in the present case, an enquiry was conducted based on the petitions submitted by the petitioner and the Authorities formed an opinion that there was no irregularity and illegality in the matter of taking a decision for executing the alignment



and accordingly, recommended for dropping all actions. The vigilance and Anti-Corruption Department, on receipt of the petition, formed an opinion that there is no specific allegation of corruption warranting the provisions of the Prevention of Corruption Act, 1988. Thus, broader allegations on some occasions may not be sufficient for the purpose of probing the issues in the manner known to law.

6. In the event of any specific allegation, the Authorities will be in a position to conduct an enquiry for the purpose of forming an opinion. However, in the present case, the petitioner has stated that many public authorities are involved and two former Ministers were also involved in respect of certain corrupt activities. Except by making such general allegations, there is no specific allegations against any of the public officials or any allegation against the then Ministers.

7. This being the nature of the complaint, this Court is of the considered opinion that the reasons furnished as well as the enquiry conducted may not be sufficient. Enquiry conducted by the competent authorities are convincing and there is no infirmity as such in respect of the decision taken for dropping and further actions on the complaint.

8. Thus, no further consideration is required and accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

shr/ska
To

1. The Chief Secretary to Government,
Secretariat, Chennai-9.

2. The Director
Directorate of Vigilance and Anti-Corruption
NCB.21 to 28 P.S.Kumarasamy Raja Salai
(Greenways Road) Raja Annamalaipuram
Chennai-28.

+1cc to the Government Pleader, S.R.No.3968

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AK(CO)
CT 09/02/2022