



W.P.No.33217 of 2022

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.12.2022

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THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

Writ Petition No.33217 of 2022

G.Raman

..

Petitioner

Vs.

1. The Director
Vigilance and Anti-Corruption Department
NCB 21-2B, P.S.Kumarasamy Raja Salai
(Greenways Road)
Raja Annamalaipuram
Chennai 600 028.
2. The Superintendent of Police
Central Zone
Vigilance and Anti-Corruption Department
NCB 21-2B, P.S.Kumarasamy Raja Salai
(Greenways Road)
Raja Annamalaipuram
Chennai 600 028.
3. The Additional Superintendent of Police
Kallakurichi Division
Vigilance and Anti-Corruption Department
Kallakurichi District.



W.P.No.33217 of 2022

4. The Inspector of Police
Kallakurichi Division
Vigilance and Anti-Corruption Department
Kallakuruchi District.

5. Ramakrishnan .. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of Mandamus directing the third and fourth respondents to conduct enquiry and take necessary action against the fifth respondent for misappropriating the Government services by getting bribes and earned assets in excess of his income on the basis of the petitioner's representation dated 07.10.2022 in accordance with law within the time stipulated by this Hon'ble Court.

For the Petitioner : Mr.S.Mohamed Ansar

For the Respondents : Mr.P.Muthukumar
State Government Pleader
for Respondents 1 to 4

ORDER

(Made by the Hon'ble Acting Chief Justice)

The petitioner has filed this public interest litigation seeking a direction to the respondents 3 and 4 to conduct enquiry and take necessary action against the fifth respondent for misappropriating



W.P.No.33217 of 2022

WEB COPY

Government service by getting bribes and earning assets in excess of income, on the basis of his representation dated 07.10.2022, in accordance with law.

2. According to the petitioner, while the fifth respondent was working as a Senior Draftsman in the Tahsildar Office, Sankarapuram, Kallakuruchi during the years 1985 to 2019, he had misused his power and received bribe. He was suspended many times and once, he was imposed with punishment of stoppage of salary for three months without service benefits, by the Revenue Secretary, for allotting lands and issuing patta to the people other than Scheduled Castes. He had purchased properties without the permission of the Government. Further, he had not submitted his property details every year as per the Government Rules. Therefore, he made a detailed representation to the respondents 1 to 4 for conducting enquiry and taking necessary action. As it did not evoke any response, he has come up with this writ petition.

3. Heard learned counsel for the petitioner as well as learned



W.P.No.33217 of 2022

State Government Pleader appearing for the respondents 1 to 4.

4. We are unable to entertain this writ petition for the following reasons:

The petitioner seeks to take action against the fifth respondent for misuse of his power during service, in which, there is no element of public interest. Moreover, public interest litigation is not maintainable in service matters. Further, though the petitioner is said to be a social activist and rendering social service, nowhere he has stated as to how public interest got prejudiced by the act and conduct of the fifth respondent. That apart, the fifth respondent had retired from service in the year 2019. The petitioner has slept over the matter for three long years and had made a representation to the respondents 1 to 4 during October 2022 and thereafter, has come up before this Court. Finally, as averred in the affidavit, the fifth respondent was placed under suspension and was also imposed with punishment consequent to the departmental action. Thus, action was initiated against the fifth respondent for his misuse of power.



W.P.No.33217 of 2022

WEB COPY

5. In view of the reasons aforesaid, the writ petition is dismissed. There will be no order as to costs.

(T.R., ACJ.) (D.B.C., J.)
12.12.2022

kpl

To

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WEB COPY



W.P.No.33217 of 2022

T.RAJA, ACJ,
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W.P.No.33217 of 2022

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