



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28/10/2022

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CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

WP (MD) No.14315 of 2022

Thiruvika : Petitioner
Vs.

- 1.The Director,
Vigilance and Anti Corruption Department,
Alanthur,
Chennai-16.
- 2.The Commissioner,
Vigilance and Anti Corruption Department,
Secretariate,
Chennai.
- 3.The Deputy Superintendent,
Vigilance and Anti Corruption Department,
1/140-1, Archana Nagar,
Aathur Post,
Manmangalam,
Karur-8.
- 4.The Director General,
Highways Department,
No.76, Sardar Patel Road,
Guindy,
Chennai.
(Impleaded as 4th respondent,
as per the order of this court
made in WMP(MD)No.14028 of 2022,
dated 28/10/2022) : Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to direct the respondents to take action based on the complaint given by the petitioner, dated 18/06/2022 and pass such further or other orders.



For Petitioner : Mr.G.Karuppusamy Pandian

For Respondents : Mr.Veera Kathiravan
Additional Advocate General
for Mr.S.Ravi
Additional Public Prosecutor

O R D E R

The writ petition is filed seeking a writ of mandamus seeking direction to the respondents to take action, on the basis of the complaint given by the petitioner, dated 18/06/2022

2.The facts in brief:-

One M.C.Sankaranand is the Government Contractor and running a company called 'Sankarand Infra'. The Government officials working under the Highways Department colluded with the above said Sankaranand and illegally gained money under the pretext of laying road. The above said Sankaranand created forged document to show as if the road was laid. In this connection, on 05/04/2022, the District Secretary of a political party gave a complaint. On 06/04/2022, this petitioner gave a similar complaint before the District Collector, Karur. After that only, they started laying the road with the help of the Government officials. A preliminary enquiry was conducted by the Department and nine officials were suspended.



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3.By using the influence, the proposed accused registered the FIR against the petitioner and other persons as if they have burnt a lorry, which involved in the above said road work. The accused is still at large. Again, the petitioner gave a complaint, on 08/06/2022, but no action was taken. So with these facts, the writ petition is filed seeking a writ of mandamus directing the respondents to take action on the basis of the complaint given, on 08/06/2022.

4.Heard both sides.

5.The learned counsel appearing for the petitioner would submit that in spite of commission of the cognizance offence involving in corruption, no action has been taken on the basis of his complaint.

6.When the matter was reserved for orders, on going through the records, this court entertained doubt with regard to the conduct of the above said contractor called 'M.C.Sankaranand', in view of the observation that was made by the Division Bench of this court in WP(MD)No.16884 of 2022. That petition was filed by one S.Sathish against the above said Sankaranand Infra company making some allegations with regard to setting of a refugees camp. This court was concerned about the observation that was made by



the Division Bench in para 3, the matter was again re-heard.

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7.The learned Additional Advocate General has clarified to the effect that that issue is pertaining to construction of refugees camp. So far as this petition is concerned, it is with regard to laying of the road. Even though, some observation has been made by the Division Bench of this court, there is no bar for the above said Sankaranand Infra company to take part in the tender process, since he happened to be the class-I Contractor. So according to him, the issues are entirely different. So both need not be mixed up.

8.Per contra, the learned counsel appearing for the petitioner would submit that the conduct of the above said Sankaranand must be taken into account for deciding this petition also.

9.No doubt that there is some sort of misdeed in laying the road and continuous complaints have been made by many persons, including the political functionaries. Some sort of proceedings have been initiated. No doubt that such sort of offence must be properly enquired.



10.The learned Additional Advocate General would submit that only bald allegation has been made in the complaint and preliminary enquiry was conducted and erring Government officials were placed under suspension and further enquiry is underway. This petitioner is also involved in a crime, over which, a case has been registered in Crime No.185 of 2022, on 09/04/2022 for having burnt a lorry, which was proceeding to the work place.

11.According to the learned Additional Advocate General, this petitioner is not having good antecedent and similar petition was filed by the former Minister in WP(MD)No.7982 of 2022 and that was dismissed, on 27/04/2022 stating that the complaint did not disclose the commission of the cognizance offence. That was withdrawn with liberty to approach with credible materials. With the above said liberty, that writ petition was dismissed, on 27/04/2022. Immediately after the dismissal of the above said writ petition, for the very same cause of action, this petitioner sent repeated complaints. Now according to him, now the complaint has been forwarded to the concerned Department for conducting preliminary enquiry. Depending upon the enquiry only, further action will be taken. According to him, this is the premature stage and no writ of mandamus can be issued at this stage.



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12.It is further submitted by the learned Additional Advocate General to the effect that by order, dated 07/07/2022, the complaint, dated 18/06/2022 sent by the writ petitioner has been forwarded to the Director General of Highways Department namely the 4th respondent herein for taking necessary action. So according to him, this petition has become infructuous and enquiry is going to be undertaken by the fourth respondent.

13.In view of the above said development, let the 4th respondent herein complete the process of enquiry within a period of three months as per the procedure. Depending upon the outcome of the enquiry, if the petitioner still aggrieved, then he can work out his remedy through appropriate proceedings. Similarly, the respondents 1 to 3 may also take further action depending upon the enquiry report.

14.With the above said direction and liberty, this writ petition stands **disposed of**. No costs.

28/10/2022

Index:Yes/No
Internet:Yes/No
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Madurai Bench of Madras High Court,
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G.ILANGOVAN, J

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