



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23/09/2022

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CORAM:

THE HON'BLE MR JUSTICE G.ILANGO VAN

WP(MD)No.18362 of 2022

Abdulla : Petitioner

Vs.

1.The Commissioner,
Tamil Nadu Vigilance Commissioner,
Secretariat Office,
Secretariat,
Chennai-600 009.

2.The Director,
Vigilance and Anti Corruption,
293, MKN Road,
Alandur,
Chennai-600 016.

3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Race Course Road,
Opposite to Government Law College,
Trichy.

4.The Inspector of Police,
Vigilance and Anti Corruption,
Race Course Road,
Opposite to Government Law College,
Trichy-23 : Respondents

Prayer: Writ Petition has been filed under Article 226 of the Constitution of India, to direct the respondents to take necessary action by conducting an enquiry based on the petitioner representation, dated 20/07/2022 within a stipulated time fixed by this court.



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For Petitioner : Mr.A.Joel Paul Antony

For Respondent : Mr.RMS.Sethuraman
Additional Public Prosecutor

O R D E R

The writ petition is filed seeking a writ of mandamus seeking a direction to the respondents to conduct enquiry on the basis of the representation/complaint, dated 20/07/2022.

2.The facts in brief:-

Throughout Tamil Nadu for the purpose of converting the agriculture lands into non-agricultural lands and non-agriculture lands into house plots, procedure has been established. That procedure must be undertaken by the Agriculture Director. But against the above said procedure, proposal by violating the same, the agricultural lands were converted into house plots in Trichy in violation of G.O. Ms. No.79 (Housing and Urban Development [UD4(3)] Department. As per the above said procedure, the Director and the Joint Director are the competent persons to issue prior concurrence. Without conducting the field study, the Joint Director of Agricultural granted field permission to convert the lands into housing purposes. He received an information through RTI, dated 09/11/2021. From the report



and information that was furnished, it is seen that no such permission was granted in Trichy District. He filed appeal, but the very same result followed. As per the above said procedure and the Government Order, the local authority is the competent person to receive the application, but the Joint Director of Agriculture, Trichy District granted the permission on the basis of the Village Administrative Officer report. So in this connection, he sent a representation to take necessary action, but till date, there is no action. So on that ground, this petition came to be filed.

3. Heard both sides.

4. This petition has been filed in the form of Public Interest Litigation. Perusal of the records shows that the petitioner is running an Association called 'Integrated Manapparai Taluk Manavari and Iravai Pasanatharkal Farmers Association'. Repeatedly, he sent complaints to the Department Officials pointing out some irregularities. At one point of time, he was successful in getting the FIR registered against the Government officials. Subsequently, he filed several petitions in the form of Public Interest Litigation, in the form of private litigation. On one such occasion, the Hon'ble First Division Bench of this court came down heavily on the



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petition for filing the Public Interest Litigation without proper data and particulars in WP(MD)No.10418 of 2021, dated 26/10/2021. He was even cautioned not to venture into such sort of baseless litigation. But that did not any impact upon the conduct, again he filed WP(MD)No.3243 of 2022 seeking direction to the Department to change the enquiry officer and conduct enquiry on the basis of the complaint given by him, as per the letter dated 10/02/2022, information was furnished to the petitioner. Again this court cautioned the petitioner not to venture any such sort of the frivolous litigation. Not stopping with that, again he found out some of the lapses and omissions in some of the activities that was undertaken by the Agricultural Department. By getting information through RTI, he sent a complaint/petition in this matter to the first respondent herein to take action on the basis of the complaint, to conduct enquiry for the irregularities. In the complaint, he set out various allegations, which were obtained through RTI. Now, he seeks writ of mandamus.

5.Now the learned counsel appearing for the petitioner would submit that he is a social spirited person fighting for the poor agricultural farmers, against the violation of rules and procedures that has been set out in the Government Order. The permissions have been issued to convert the agricultural land in the house plots, this



according to him, caused much to the farming community. According to him, the offence of this nature must be thoroughly enquired. But if the petitioner has got any grievance over the irregularities, he can bring the same to the concerned department. But in spite of that, he filed a complaint stating that vigilance department must undertake the enquiry. The purpose and motive for such an action is also doubtful.

6.The learned Additional Public Prosecutor would submit that the representation that was made by the petitioner was forwarded to the Director of Agriculture, Chepauk, Chennai for further enquiry and necessary action. By letter, dated 12/08/2021 that action was also informed to the petitioner, on 11/08/2022. So after that, it appears that the writ petition came to be filed. So the learned Additional Public Prosecutor would submit that since the complaint is with regard to the irregularities alleged to have been committed during the course of the above said process of request for converting the agricultural land into house plots, it was forwarded to the concerned department for enquiry and action. If concerned department send report to initiate action under the provisions of the Prevention of Corruption Act, they will take action. Without getting any report, the first respondent cannot take cognizance directly on the complaint. If the



petitioner is aggrieved by that process, he is at liberty to file a private complaint before the concerned court after adopting the proper procedure. According to the learned Additional Public Prosecutor, this petition is not maintainable. Depending upon the report to be received from the concerned department, further action will be taken by the first respondent.

7. Recording the submission of the learned Additional Public Prosecutor, this **writ petition is dismissed** with liberty to the petitioner to work out his remedy through appropriate proceeding before the concerned court. No costs.

23/09/2022

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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