



W.P.(MD).No.19907 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATE : 26.08.2022

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THE HONOURABLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD).No.19907 of 2022

Velayutham

: Petitioner

Vs.

1.The Director of Vigilance and Anti-Corruption,
Office of the Vigilance and Anti-Corruption,
No.293, MKM Road, Alandur,
Chennai - 600 016.

2.The Inspector of Police,
Vigilance and Anti-Corruption,
Tiruchirappalli.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first respondent to direct the second respondent to conduct a fair investigation and include the real culprits T.Ramar and V.Durairaj, who have been omitted as accused in Crime No.2 of 2020 on the file of the second respondent by considering the representation of the petitioner, dated 23.07.2022 within a time frame as fixed by this Court.



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For Petitioner : Mr.S.Karthikeyan,
For Respondents : Mr.R.Meenakshi Sundaram,
Additional Public Prosecutor.

ORDER

The Writ Petition has been filed to issue a Writ of Mandamus, to direct the second respondent to conduct a fair investigation and include the real culprits T.Ramar and V.Durairaj, who have been omitted as accused in Crime No.2 of 2020 on the file of the second respondent by considering the representation of the petitioner, dated 23.07.2022 within a time frame as fixed by this Court.

2. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the State would submit that the second respondent has already completed the investigation and submitted a draft charge sheet for approval. He would further submit that the petitioner has no *locus standi* to question in what way the investigation is to be conducted and it is for the Investigating Officer to decide. He would also submit that the draft charge sheet was filed on 20.07.2022.



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3. As rightly contended by the learned Additional Public Prosecutor, after filing of charge sheet, if the petitioner is aggrieved, then he is at liberty to take appropriate proceedings.

4. At this juncture, the learned counsel for the petitioner would submit that he may be granted liberty therefor.

5. As rightly contended by the learned Additional Public Prosecutor, the petitioner has earlier filed a petition in W.P.(MD)No.1183 of 2021, seeking orders to direct the Principal Secretary, Housing and Urban Development Department and the Officials of the said Department to take disciplinary action and to conduct detailed enquiry against the erred employees T.Ramar and M.Karmegam under Sections 76 and 81 of the Tamil Nadu Co-operative Societies Act to be conducted by some other honest Co-operative Sub Registrar by considering the representation of the petitioner, dated 02.01.2021 within the time frame to be fixed by this Court. In that petition, the learned Additional Government Pleader submitted that the petitioner is not a public interested third party, that he is a suspended



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Secretary of the very same Co-operative Society and that he is also facing some proceedings. Recording the submission made by the learned Additional Public Prosecutor, this Court has disposed of the said Writ Petition, leaving it open to the authority concerned to take action as they deem fit.

6. Moreover, the petitioner has not shown any *prima facie* materials for issuing directions to the second respondent to conduct investigation in such a way and for inclusion of the two persons named in the petition. Hence, this Court is of the view that the petition is devoid of merits and the same is liable to be dismissed.

7. Accordingly, the Writ Petition is dismissed. No costs. But the petitioner is at liberty to take appropriate proceedings, after filing of charge sheet.

26.08.2022

das



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To

- 1.The Commissioner of Police,
Trichy City,
Subramaniapuram, Trichy - 20.
- 2.The Assistant Commissioner of Police
(Law & Order), Srirangam,
Trichy - 6.
- 3.The Inspector of Police,
Woraiyur Police Station,
Trichy-3.



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K.MURALI SHANKAR, J.

das

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