



W.P.Nos.34634of 2004... batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2023

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.Nos.34634, 34635, 34636, 34637,
34638, 34639, 34640, 34641 & 34642 of 2004
and
W.M.P.Nos.41815, 41817, 41819 & 41823 of 2004

W.P.No.34634 of 2004:

K.Abdul Razak

...Petitioner

-Vs-

- 1.The State of Tamil nadu
Represented by Secretary to Govt.
Commercial Taxes Department,
Fort St.George, Chennai-09.
- 2.The Principal Commissioner &
Commissioner of Commercial Taxes,
Chepauk, Chennai-05.
- 3.The Director,
Vigilance & Anti-Corruption Department,
Chennai.
- 4.The Deputy Superintendent of Police,
Vigilance & Anti-Corruption Department,
Madurai.

...Respondents



W.P.Nos.34634of 2004... batch

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus, calling for the records comprised in proceedings of the fourth respondent in FIR No.11/2004 on the file of Vigilance & Anti-Corruption Department, Madurai, quash the same in so far as it relates to the petitioner and consequently forbear the respondents 3 & 4 and those functioning under them in any manner interfering with the personal liberty of the petitioner by taking any action on the basis of the Fir registered in No.11 of 2004 on the file of the fourth respondent including by way of arrest, detention or execution of any order of any Court.

For Petitioners
in all 9 WPs. : Mr.Mohammed Shari

For Respondents
in all 9 WPs. : Mr.S.Ravichandran, AGP

COMMON ORDER

The writ petitions have been filed to quash the FIR No.11 of 2004 on the file of the Vigilance and Anti-Corruption Department, Madurai, to forbear the respondents 3 and 4 and those functioning under them in any manner interfering with the personal liberty of the petitioners.



W.P.Nos.34634of 2004... batch

2.The petitioner in W.P.No.34634/2004 was working as an Assistant Commissioner (Commercial Tax) and a Criminal case was registered against the petitioner by the Vigilance and Anti-Corruption Wing under the Prevention of Corruption Act. The petitioners in the writ petitions raise various grounds for the purpose of quashing the FIR registered against them under the Prevention of Corruption Act in FIR No.11 of 2004.

3.The grounds raised in the writ proceedings cannot be adjudicated for the purpose of quashing the criminal case registered against the writ petitioners under the Prevention of Corruption Act. The writ petitions itself are not entertainable since the relief as such sought to prevent the authorities from initiating action against the writ petitioners who were holding the posts in Commercial Tax cannot be granted.

4.That apart, the writ petitions were filed in the year 2004 and more than 19 years lapsed. In respect of the other writ petition filed by one Mr.P.Devanathan in W.P.No.34644 of 2004, the writ petition was dismissed and he preferred a Writ Appeal No.840 to 843 of 2005, and the Hon'ble Division Bench of this Court disposed of the appeal as infructuous since the action was dropped the against the said Mr.P.Devanathan.



W.P.Nos.34634of 2004... batch

WEB COPY

5.As far as the petitioners herein are concerned, almost 19 years lapsed and therefore, the FIR cannot be quashed at this length of time and it is for the petitioners to defend their case in the manner known to law.

6.With these observations, all the nine writ petitions stand **dismissed**. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

(sha)
Index : Yes
Speaking Order
Neutral Citation : Yes

12.04.2023



W.P.Nos.34634of 2004... batch

To
WEB COPY

- 1.The State of Tamil nadu
Represented by Secretary to Govt.
Commercial Taxes Department,
Fort St.George, Chennai-09.
- 2.The Principal Commissioner &
Commissioner of Commercial Taxes,
Chepauk, Chennai-05.
- 3.The Director,
Vigilance & Anti-Corruption Department,
Chennai.
- 4.The Deputy Superintendent of Police,
Vigilance & Anti-Corruption Department,
Madurai.



WEB COPY



W.P.Nos.34634of 2004... batch

S.M.SUBRAMANIAM. J.,

(sha)

W.P.Nos.34634, 34635, 34636, 34637,
34638, 34639, 34640, 34641 & 34642 of 2004

12.04.2023