



W.P.No.7732 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 14.03.2023

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.7732 of 2023

G.Thiruvengadasamy

..Petitioner

Vs.

- 1.The Vigilance Commissioner/
Additional Chief Secretary to
Government Department of Vigilance and
Anti-Corruption,
Secretariat,
Chennai 600 009.
- 2.The State of Tamil Nadu,
represented by its Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George,
Chennai 600 009.
- 3.The Director of Vigilance and Anti-Corruption,
Main Block,
Directorate of Vigilance and Anti-Corruption,
293, MKN Road,
Collectors Nagar, Alandur,
Chennai,
Tamil Nadu 600 016.
- 4.The District Collector,
Tiruppur District.
- 5.Sithannan



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6.The Revenue Inspector,
Ponnapuram,
Dharapuram Taluk,
Tiruppur District.

7.Chandrasekar

8.Erode Wind Farm,
represented by its Proprietor
53 Friends Colony East,
New Delhi 110 065.

9.Deepak Hari Ram Kumar

...Respondents

Prayer:Writ petition has been filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the 4th respondent to complete the enquiry as contemplated under Section 17 A(1) of Prevention of Corruption Act and furnish a report to the 3rd respondent with a consequential direction to the respondents 1 and 3 to conduct investigation based on petitioner's complaint dated 06.07.2022 which has been assigned as petition No.P.E.No.8568/2022/REV/TPR dated 14.07.2022 in accordance with law.

For Petitioner : Mr.S.Selva Thirumurugan

For Respondents: Mr.K.M.D.Muhilan, RR1 to 5, 6
Additional Government Pleader

ORDER

This Writ Petition has been filed seeking a direction to the 4th respondent to complete the enquiry as contemplated under Section 17



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A(1) of Prevention of Corruption Act and furnish a report to the 3rd respondent with a consequential direction to the respondents 1 and 3 to conduct investigation based on petitioner's complaint dated 06.07.2022 which has been assigned as petition No.P.E.No.8568/2022/REV/TPR dated 14.03.2022 in accordance with law.

2. The case of the petitioner is that the agricultural land in S.No.401/A measuring to an extent of 5 Acres and 88 cents situated in Naranapuram village, Darapuram Taluk was owned by the petitioner's uncle viz., Varadaraju Naicker and his daughters. The said property is their ancestral property. Based on the lease, the petitioner is doing agriculture in the said land from the year 2002. Such being the position, the 8th respondent purchased a land 2.20 acres out of 5 acres and 88 cents in the above said survey number vide sale deed dated 28.04.2004. The Erode Wind Farm had not constructed and installed the Wind Mill in the said land from the year 2004 to till date. The said land is in possession of the petitioner for the past 20 years and he is doing agricultural activities. The Erode Windfarm had not taken possession of the land from the year 2004 to till date for about nearly 18 ½ years. Patta



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in respect of the said land stood in the name of the petitioner's uncle.

The 8th respondent has purchased lands from several land owners in Munduvelampatti Village and Naranapuram Village. The 9th respondent made application for change in the relevant entries in the patta on 08.06.2022 to the 5th respondent. The respondents 5 to 7 had transferred the patta in respect of the lands and issued on 09.06.2022 in the name of Erode Wind Mill. Before effecting changes in relevant entries in the patta, no enquiry was conducted with the persons who are in possession of the respective land for more than 18 years and no enquiry was made with the land owners. Therefore, the petitioner has made a complaint to the third respondent against the 5th respondent on 06.07.2022. However, till date, the said complaint is kept pending with conducting any enquiry. Hence, the present writ petition.

3. The learned counsel appearing for the petitioner submitted that the petitioner is in possession of the property for the past 20 years. However, without conducting any enquiry, the patta was granted in favour of the 8th respondent, which is not sustainable one. Hence, it would suffice if this Court issues direction to the respondents to conduct



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enquiry for issuance of patta in favour of the 8th respondent within a time frame as stipulated by this Court.

4. The learned Additional Government Pleader appearing for the official respondents submitted that once the patta is issued in favour of the 8th respondent, the petitioner has to approach competent appellate authority either cancellation of patta or any other grievance. Instead of doing that, the petitioner has filed the present writ petition, which is not maintainable and the same is liable to be dismissed.

5. Heard both sides and perused the materials available on record.

6. As rightly submitted by the learned Additional Government Pleader appearing on behalf of the respondents and in view of the above disputed question of fact, this Court cannot be decided the issue. If the petitioner is aggrieved, he has to file appropriate suit/petition either before the competent civil court or before the appellate authority. Instead of doing that, the petitioner approached this Court by way of filing this writ petition under Article 226 of Constitution of India, which is not



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maintainable and hence, the prayer sought for by the petitioner cannot be granted and the writ petitions is liable to be dismissed.

7. Accordingly, the writ petitions are dismissed. No costs.

14.03.2023

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NCC: Yes / No

Index : Yes / No

Speaking Order : Yes / No

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M.DHANDAPANI,J.

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