



W.P.No.6379 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2023

CORAM

THE HON'BLE MR. JUSTICE DR.G.JAYACHANDRAN

**W.P.No.6379 of 2022
and
W.M.P.Nos.6458 & 6459 of 2022**

I.Selvam

... Petitioner

Vs.

1. The Director,
Directorate of Vigilance and Anti Corruption,
No.293 MKN Road,
Alandur, Chennai – 600 016.
2. The Engineer-in-Chief,
Water Resources Department,
Chepauk, Chennai – 600 005.
3. The Chief Engineer,
Public Works Department,
Chennai – 600 005.
4. The Chairman,
TANGEDCO,
Anna Salai,
Chennai.



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5. The Superintending Engineer,
TANGEDCO,
Mettur Electricity Distribution Circle,
Mettur Dam,
Salem District.

6. K.Palanisamy,

7. K.Govindaraj

8. K.Gnanasundaram

... Respondents

PRAYER:

This Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ, order or direction, specifically Writ in the nature of Mandamus, directing the 1st respondent to register the case and investigate on the petitioner's complaints dated 24.08.2021, 23.12.2021 and to take all appropriate actions, in respect of corrupt activities, including misuse of official position for personal gains, huge revenue loss to the exchequer.

For Petitioner : Mr.R.Prapakar

For R1 : Mr.S.Udaya Kumar
Government Advocate (Crl.Side)

R6 and R7 : Given up – 27.09.2022
vide endorsement-EB

For R8 : Mr.Selvam
for Mr.V.Anilkumar



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ORDER

This Writ Petition has been filed by the petitioner to direct the first respondent to register the case and investigate on his complaints dated 24.08.2021 and 23.12.2021 and to take all appropriate actions in respect of corrupt activities, including misuse of official position for personal gains, huge revenue loss to the exchequer.

2. The sum and substance of the grievance expressed by the petitioner is that by misusing the official position, out of turn, additional load for 15 HP free power supply meant for agricultural activities been granted to chosen few, while ordinary farmers were applied for service connection and waiting for years together. Apart from the officials of TANGEDCO, few private individuals were also arrayed as respondents in this case. On 27.09.2022, when the matter came up for hearing, the petitioner has given up the case as against the private respondents who were arrayed as R6 and R7.



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3. Today, the learned counsel for the petitioner would submit that his grievance is only as against the officials who have abused their power and not the beneficiaries. Furthermore, he would submit that the 8th respondent was impleaded as respondent in this case, since he is a Member of Lift Irrigation Society and he was impleaded in this case at the insistence of the Registry.

4. Considering the nature of the representation of the petitioner and the response from the first respondent/ The Director, Directorate of Vigilance and Anti-Corruption, this Court passes the following order:-

a) It is reported that the preliminary enquiry was conducted as against 12 officials and it was found that no prima facie case has been made out as against them to register a case for detailed enquiry, hence action dropped. The alleged additional power supply has been granted based on the G.O passed by the Government in G.O.Ms.No.90 Energy C1 Department dated 11.05.2020. The learned Government Advocate (Criminal Side) appearing for the respondents has also furnished the



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copy of the communication issued by the Vigilance Commissioner, accepting the preliminary enquiry report recommending to drop action against the officials of P.W.D/Water Resources Department and the private individuals.

b) The decision of providing additional power load at free of cost upto 15 HP is a policy decision taken by the Government and therefore, the Court has no say in it. However, there must not be any discrimination in extending the benefit and there must be transparency and fairness while extending such benefit.

c) Learned counsel for the petitioner submit that while many have applied for free supply of power and waiting for years together, chosen few been given additional free power supply. In such case, the petitioner shall make out a specific case of discrimination and workout his remedy. As far as the present writ petition which seeks for investigating the complaint is concerned, since the Vigilance and Anti-Corruption Department has conducted preliminary enquiry and decided to drop action against the officials, it is open to the petitioner herein to proceed in accordance with law, if he so desires.



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5. With the above direction, the Writ Petition is disposed of.

No costs. Consequently connected miscellaneous petitions are closed.

04.07.2023

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To

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DR.G.JAYACHANDRAN,J.,

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