



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 25.4.2023

Delivered on : 02.6.2023

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THE HON'BLE MR.JUSTICE A.D.JAGADISH CHANDIRA

Writ Petition No.12254 of 2023

C.L.Thukkaram

Petitioner

vs.

1 The Vice Chancellor  
Tamil Nadu Veterinary and Animal Science  
University  
Madhavaram Milk Colony  
Chennai 600 051.

2 The Engineer in Chief  
Chief Engineer (Building)  
Public Works Department  
Chepauk Chennai-600 005.

3 Directorate of Vigilance and  
Anti-Corruption (DVAC)  
No.293 MKN Road  
Alandur Chennai-600 0016.

4 Er.S.Kuppuswamy  
Executive Engineer/Estate Officer i/c.  
Estate Office  
Tamil Nadu Veterinary and  
Animal Science University  
Madhavaram Milk Colony  
Chennai-600 051.

Respondent



WEB COPY

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the third respondent to register the complaints dated 26.01.2023 and 17.02.2023 submitted by the petitioner and investigate the same and proceed in accordance with Chapter XII of Code of Criminal Procedure 1973 as amended and read with Section 154 and Section 156 of the Code of Criminal Procedure 1973 in accordance with law.

For Petitioner : Mr.S.Elamurugan

For Respondents : Mr.N.S.Suganthan,  
Govt. Advocate (Crl. Side)

### ORDER

The present writ petition has been filed by a Civil Contractor seeking a direction to the third respondent to register the complaints dated 26.01.2023 and 17.02.2023 submitted by him and investigate the same and proceed in accordance with Chapter XII of Code of Criminal Procedure 1973 as amended and read with Section 154 and Section 156 of the Code of Criminal Procedure 1973 in accordance with law.

2. Though an elaborate Affidavit has been filed by the petitioner in support of his petition seeking for the above direction, the crux of the issue is that the petitioner, being a registered Civil Contractor, who



used to participate in tenders for the civil works in all the Government Departments, Public Sectors and Universities, is aggrieved by the method/procedure adopted by the fourth respondent, the Executive Engineer/Estate Officer i/c. Estate Office Tamil Nadu Veterinary and Animal Science University in floating the tenders of the first respondent-Tamil Nadu Veterinary and Animal Science University and thereby, he had given complaints to the first respondent raising some allegations and ultimately, lodged complaints with the third respondent-Directorate of Vigilance and Anti-Corruption and upon receipt of replies from the DVAC defying his expectation, has filed the present writ petition seeking a direction to the third respondent to register his complaints.

3. Heard the learned counsel for the petitioner and the learned Government Advocate (Criminal Side) for the respondents and perused the materials available on record.

4. A reading of the complaints lodged by the petitioner and the detailed Affidavit filed by the petitioner in support of the writ petition shows that the petitioner had raised various allegations in depth including the qualification and eligibility of the official in charge of floating the tenders. The third respondent-DVAC had also replied to



the petitioner contending that the scrutiny had revealed that the content of the petitioner is general in nature and requires verification of documents by the Department concerned and hence, the petition had been forwarded to the Vice Chancellor, Tamil Nadu Veterinary and Animal Science University, Madhavaram Milk Colony, Chennai, marking a copy to the Engineer-in-Chief, Chief Engineer (Buildings), Public Works Department, Chepauk, Chennai for taking necessary action.

5. Such being the position, if the petitioner is still aggrieved, the next course open to him is to approach the appropriate authority as provided under Section 154(3) and Section 156(3) Cr.P.C and not to rush to the High Court seeking for a direction. The Apex Court, in ***M.Subramaniam and another vs. S.Janaki and another*** (2020) 16 SCC 78, after analysing the scope of the above provisions, set aside the direction of the High Court for registration of FIR and investigation into the matter by the police. Earlier to that, a Division Bench of this court had taken a similar view in ***G.Prabakaran vs. Superintendent of Police, Thanjavur District.*** (2018(5) CTC 623).

6. In the case on hand, the petitioner, on receipt of reply from the DVAC, has straightway approached this court seeking a direction without exhausting the alternate remedy available to him. If such



petitions are entertained by this court, the court would be flooded with such petitions as observed by the Apex Court and thereby this court is of the view that the writ petition is liable to be dismissed. Accordingly, it is dismissed. No costs.

02.6.2023.

Index: Yes/No.

Internet: Yes/No.

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A.D.JAGADISH CHANDIRA, J.

ssk.

P.D. ORDER IN  
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