



W.P.No.28962 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:15.12.2023

Coram:

THE HONOURABLE DR.JUSTICE G. JAYACHANDRAN

W.P.No.28962 of 2022

N.Rajesekaran

.. Party-in-person

/versus/

1.The Director,
Directorate of Vigilance and Anti Corruption,
No.293, M.K.N.Road,
Alandur, Chennai 600 016.

2.The Additional Superintendent of Police,
Head Quarters, Vigilance and Anti Corruption,
Chennai 600 016.

3.The Joint Director,
Central Bureau of Investigation,
DPI Building, KVK Sampath Maligai,
Nungambakkam, Chennai 600 034.

4.Edapadi K.Palanisamy

5.J.Radhakrishnan

7.R.K.Vats

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of



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India, praying to issue a Writ of Mandamus directing the 3rd respondent herein to take necessary action on the complaint of the petitioner dated 07.07.2021 in accordance with the Prevention of Corruption Act, 1988, within a time frame fixed by this Hon'ble Court.

For Petitioner :Mr.N.Rajasekaran
(Party – in – Person)
For Respondents :Mr.M.Babu Muthu Meeran
Additional Public Prosecutor
for R1 and R2
No appearance for R3

ORDER

One Mr.Rajasekaran of Thiruvavarur District has filed Writ Petition (Criminal) has a party-in-person. The Registry has numbered it and listed before this Court. Since the fourth respondent is the Former Chief Minister of the State and this Court being Special Bench for hearing the cases against present and former MPs and MLAs.

2. The reading of the averments found in the affidavit clearly indicates that, the writ petition is filed in a public interest alleging that the Government, which declared to construct Medical Colleges in each District



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using Government of India finance assistance (60% from the Government of India and 40% from the State fund) has not constructing the hospitals pursuant to the specifications prescribed by the National Medical Commission.

3. The prayer sought for by the petitioner is to issue a Writ of Mandamus directing the CBI to take action on the complaint given by the petitioner dated 07.07.2021 in accordance with the provisions of the Prevention of Corruption Act, 1988.

4. Though this Court finds that the petition is not maintainable either as a public interest litigation or the case raising on the criminal side where the matter to be heard by the Special Bench constituted for hearing the cases against present and former MPs, MLAs. Since the matter has been pending for more than 1 ½ years, venture to look into the grievance of the petitioner herein brushing-aside the other formal defects.

5. The Additional Public Prosecutor representing the State



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submitted that the allegations made in the affidavit filed by the petitioner herein has been taken note by the DV and AC, after conducting a preliminary enquiry. A detailed enquiry has been commenced on 10.04.2023 in A.DE/6/2023/PUB/SIC dated 10.04.2023 and the enquiry is in progress. A Team has been constituted consisting of PWD Engineers to evaluate the value of the building, the design of the building and whether it is inconsonance with the norms of the National Medical Commission and after getting report, further action will be taken.

6. Recording the same, the Writ Petition is disposed of since the information furnished by the petitioner herein has been taken cognizance by the appropriate investigating agency in the State and the enquiry has been commenced. No costs.

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Index:yes/no

Internet :yes/no

Speaking order/non speaking order

Neutral Citation:yes/no

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To

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Anti Corruption, Chennai 600 016.

3.The Joint Director, Central Bureau of Investigation, DPI Building, KVK
Sampath Maligai, Nungambakkam, Chennai 600 034.

4.The Public Prosecutor, High Court, Madras.



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DR.G.JAYACHANDRAN, J.

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