



WP No.5261 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM

THE HON'BLE MR.T.RAJA, ACTING CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

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J.Velayutham

... Petitioner

versus

The Registrar (Vigilance)
Madras High Court

... Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the Registrar (Vigilance), Madras High Court, to expedite the proceedings in the complaint ROC No.658-A/2017/VC, dated 22.08.2017 and conduct appropriate proceedings within a time frame.

For the Petitioner : Mr.M.K.Viswanath

For the Respondent : Mr.Karthik Ramanathan



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ORDER

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(Made by the Hon'ble Acting Chief Justice)

Mr.J.Velayutham, S/o Mr.K.Jagannathan, a retired Deputy Commissioner of Income Tax, has filed this writ petition praying for a writ of mandamus directing the Registrar (Vigilance), Madras High Court, to expedite the proceedings in ROC No.658-A/2017/VC, dated 22.08.2017, within a time frame.

2. According to the petitioner, he has three children: two daughters and a son. Two settlement deeds were executed by his wife late Mrs.V.Lakshmi Devi, in favour of their daughters - M/s.Leena Devi and Vidhya Priya. The properties are under:

*“1.House at No.53, 3rd A 30th Cross, 30th Main,
2nd Stage, BTM Layout, Bangalore, 560076 and
2.House at Door No.13A, 3rd Street, Achudan
Nagar, Ekkaduthangal, Chennai 600032”*

3. It is the case of the petitioner that the aforementioned two properties were purchased in his wife's name. His son-in-law Mr.S.Senthil Babu, a Judicial Officer, married Vidhya Priya; and



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applying duress and coercion to his wife, Mr.S.Senthil Babu made her to sign and register the settlement deeds in his favour. The settlement deeds were registered on dated 29.09.2014 at the office of the Sub-Registrar, Chennai Joint I, Saidapet, and on 11.11.2014 at the office of the Sub-Registrar, Bommanahalli, Bangalore, respectively. Subsequently, the petitioner's wife, when she was alive, lodged a police complaint to the Commissioner of Police alleging coercion in the registration of settlement deeds. The Inspector of Police, J-3 Police Station, received the complaint and issued a CSR, as early as 18.08.2017; but till date, no FIR has been registered. Therefore, the petitioner has lodged a complaint against his son-in-law, on 05.07.2017, before the Registrar (Vigilance), Madras High Court. The said complaint was taken on file in ROC No.658-A/2017/VC. Since no progress has been made, the present writ petition has been filed.

4. We have received a note from the Registry which says that the petitioner's wife had lodged a complaint on 17.08.2017, before the Commissioner of Police, alleging that the two settlement deeds were registered under coercion. Subsequently, the Inspector of Police, came to the conclusion that there was a civil dispute pending between the



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parties, and the police complaint was lodged three years after the registration of settlement deeds. Leaving the parties to work out their remedy in the manner known to law before the competent civil court, the complaint was closed. The petitioner has also filed a civil suit in Bangalore, challenging the settlement deed. Thereafter, the petitioner has also given a complaint against his son-in-law to the Department of Vigilance and Anti-Corruption and that has been referred to the Vigilance Committee. The matter was placed before the Vigilance Committee, along with subsequent complaints received from the petitioner, and ultimately, it was closed on 29.11.2021, under intimation to the petitioner.

5. There is absolutely no iota of merit in the writ petition. There is a delay of three years in giving the complaint, after the registration of the settlement deeds. Moreover, the petitioner has not disclosed about the filing of civil suit in the writ petition. The petitioner has therefore come to this Court with unclean hands.

6. The petitioner, being a retired Income Tax Officer, cannot file this type of frivolous and vexatious petition, wasting precious time of



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the Court. Therefore, for wasting the Court's time, and also for having concealed the pendency of civil suit, we are constrained to impose a cost of Rs.50,000/- (Rupees Fifty Thousand Only) payable to the Advocate Clerks' Association, Madras High Court, Chennai, within a period of two weeks from the date of receipt of a copy of this order.

7. The writ petition is dismissed.

(T.R., ACJ.) (D.B.C., J.)
24.02.2023

Index : Yes/No
Neutral Citation : Yes/No
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To
The Registrar (Vigilance)
Madras High Court



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