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W.P.(MD).No.3476 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.02.2023

CORAM

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

W.P.(MD).No.3476 of 2023
and W.M.P.(MD).No.3213 of 2023

B.Balachandar

.. Petitioner

Vs.

1.The Director,
Directorate Vigilance and Anti Corruption Department, (DVAC)
No.293, MKN Road, Alandhur,
Chennai - 600016.

2.The Principal Chief Engineer and Chief Engineer (General),
Public Welfare Department,
Chennai Region,
Chepauk, Chennai – 600 005.

3.K.Ramamoorthy

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the 3rd respondent passed in impugned letter No.C2(2)/000265/2023, dated 06.02.2023 and quash the same and consequently, direct the 1st respondent to enquire the 3rd respondent in accordance with law.



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W.P.(MD).No.3476 of 2023

For Petitioner : Mr.M.Murugan
For R1 : Mr.Veerakathiravan
Additional Advocate General assisted by
Mr.S.Ravi
Additional Public Prosecutor
For R2 & R3 : Mr.J.K.Jayaseelan
Government Advocate

ORDER

This writ petition has been filed to quash the impugned letter No.C2(2)/000265/2023, dated 06.02.2023, sent by the 3rd respondent and consequently, direct the 1st respondent to enquire the 3rd respondent in accordance with law.

2.The facts in brief:

The petitioner, who is a social worker, sent a representation/complaint to the first respondent on 06.01.2023 and 10.02.2023 against 7 persons, who are working in Water Resource Department, stating that they were received bribe to grant transfer and promotions in the Department. They also purchased properties by cheating the Government worth about several crores. But, the above said complaint was forwarded by the first respondent on 13.01.2023, as per the guidelines contained in DVAC Manual. In the meantime, the third respondent called



W.P.(MD).No.3476 of 2023

him for enquiry vide letter No.C2(2)/000265/2023, dated 06.02.2023. This notice itself is not valid under law and illegal also. Therefore, seeking quashment of the above said letter, this writ petition has been filed.

3.Now, the grievance of the petitioner is that even though he sent a complaint to the first respondent making allegations of corruption and amazing wealth worth about several crores against 7 persons, now he has been called by the third respondent for enquiry. According to him, against the third respondent also he made allegations. So the third respondent cannot make any enquiry on his complaint.

4.Per contra, the learned Additional Advocate General would submit that the first complaint dated 06.01.2023, was made by this petitioner to the first respondent herein against one person namely Sreenivasan and others, wherein, no allegation has been made against the third respondent herein. But after that by the complaint dated 10.02.2023, he has made allegations against the third respondent also. So according to him, even in the first complaint, no substance and ground has been made. Mere bald allegations have been levelled. That complaint was forwarded to the concerned Department. Now the third respondent has issued notice to the petitioner to



W.P.(MD).No.3476 of 2023

appear on 21.02.2023. On that date, the petitioner failed to appear before the third respondent stating that he has filed writ petition before this Court.

The writ petition was filed on 16.02.2023. The notice is dated 06.02.2023.

But, however, the learned Additional Advocate General would submit that the let the petitioner may appear before the second respondent herein and produce all the documents that are available with him and also co-operate with him to complete the enquiry. The petitioner is also agreeing to appear before the second respondent.

5.Let the petitioner appear before the second respondent on receipt of fresh notice. The notice shall be issued by the second respondent by fixing the date. The petitioner must be appear before the second respondent and co-operate with him to complete the process of enquiry.

6.In the light of the above said directions, this writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

22.02.2023

Index : Yes / No
Internet : Yes / No
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W.P.(MD).No.3476 of 2023

G.ILANGO VAN,J.

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W.P.(MD).No.3476 of 2023

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