



WEB COPY



W.P(MD)No.12197 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved On	:	18.07.2023
Pronounced On	:	.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE K.K. RAMAKRISHNAN

W.P(MD)No.12197 of 2022

P.K.Pandian

... Petitioner

Vs.

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.

2. The Director,
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road, Alandur,
Chennai-600 016.

3. The Vigilance Commissioner/Additional Chief Secretary,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

4. M.Sathyaseelan

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus or any other appropriate writ or order or direction directing the respondent Nos.1 to 3 take appropriate action against respondent No.4 by considering the



W.P(MD)No.12197 of 2022

petitioner's representation dated 14.02.2022 and also provide protection to the petitioner and his family and pass appropriate orders on merits and in accordance with law during the period that may be stipulated by this Hon'ble Court.

For Petitioner : Mr.M.Jerin Mathew

For Respondents : Mr.S.Ravi,
Additional Public Prosecutor
for R1 to R3

ORDER

The petitioner has filed this writ petition to take action against the fourth respondent. The fourth respondent is the Deputy Superintendent of Police in the Vigilance and Anti Corruption Department of Tamil Nadu, Dindigul.

2. The petitioner averred in the affidavit that the fourth respondent purchased a property in Kodaikanal Sub Registrar Office, vide Document No.958/2020. According to the petitioner, the said property was undervalued and by using his official position, he got registration for the minimum valued. The property was purchased as an agricultural land but the same was a housing plot and hence, he pressurised the Sub Registrar and got registration for a lesser value. According to the petitioner, the



W.P(MD)No.12197 of 2022

value of the property is more than one crore, but, it was registered only for Rs.1,34,000/- and hence, he committed the offence of amassment of wealth and he has to be prosecuted under the Tamil Nadu Prevention of corruption Act and also the other relevant provisions. Therefore, he made a representation to the first respondent to take against the fourth respondent by submitting a representation dated 14.02.2022. Thereafter, the petitioner submitted that he has been threatened by the fourth respondent over phone and hence, he seeks action to be taken against the fourth respondent.

3. Since the petitioner made a serious allegation against the Deputy Superintendent of Police of Vigilance Department, this Court directed the Director of the Second respondent to submit a report. Accordingly, the second respondent submitted a counter and report, and the relevant portion are as follows:



W.P(MD)No.12197 of 2022

WEB COPY

in Documents Nos. 995/2002, 590/2018, 591/2018, 1578/2018 and 1579/2018 for the guideline value existed at the time of their purchase. It is submitted that by comparing all those purchase with the land purchased by Tr.M.Sathyaseelan, the allegation of purchase of the above said land at lower cost against the guideline value is found to be false and motivated. Further, it is verified that the said property is located among the cultivated land on all side of the said property.

12. It is respectfully submitted that enquiry further revealed that at the time of purchase of the above said land in S.No.417/3 and registered as Document No. 958/2020, dated 14.09.2020, Tr.M.Sathyaseelan was not working in the Vigilance and Anti-Corruption Detachment, Dindigul District, where the landed property and the Sub Registry situated, whereas he has been working as the Deputy Superintendent of Police, Vigilance and Anti-Corruption, Madurai and therefore influencing the Sub-Registrar does not arise and also harassing the officials by foisting false cases against them does not arise.

13. It is respectfully submitted that with respect to the allegation that the petitioner house was visited by one constable in the name of Tr.Venkatesh and he was threatened by one DSP of V&AC Detachment, enquiry revealed that on receipt of the petition received from the petitioner Tr.P.K.Pandian, as mandated by the G.O. (Ms) No.173 of P&AR (N) Department dated 19.12.2018, the DSP, Dindigul Detachment i/c Theni Detachment was instructed by the petition cell of Directorate of Vigilance and Anti-Corruption to conduct a "factual verification" and accordingly, he directed



WEB COPY

Tr.P.Venkatraman, Grade I PC 37203 of the Vigilance and Anti-Corruption, Thani Detachment to verify the genuineness of the addressee/Petitioner herein. This act of verification of the addressee by the above said constable Tr.P.Venkatraman provoked the petitioner herein to send false allegation against him and DSP, Dindigul Detachment as if he was threatened by the above Police Personnel through phone and in person.

14. It is respectfully submitted that Tr.M.Sathyaseelan, Deputy Superintendent of Police, Vigilance and Anti-Corruption, Madurai is serving in Vigilance and Anti-Corruption Department without any allegation and the accusation made by the petitioner seems to be motivated without any supportive evidence. Tr.M.Sathyaseelan has joined in Police Department on 01.03.1996 as Sub-Inspector of Police and without any blemish he discharges his duties. It is a motivated complaint to demoralize the functioning of officials of Vigilance and Anti-Corruption Department and has to be dismissed with heavy cost.

Therefore, it is prayed that the Hon'ble Court may be pleased to dismiss the Petition filed by the Petitioner as devoid of merits and pass necessary order if deems fit and thus render justice.

4. From the above, it is clear that the Superintendent of Police made a detailed enquiry without any bias and submitted a report stating that the allegation is not true and recommended to drop the proceedings. In the report, he specifically stated that the lands are the agricultural



W.P(MD)No.12197 of 2022

lands and guideline value is proper and he properly intimated the purchase of the property to the department and the department also granted permission. The sale consideration is also within the known source of income and there was no disproportionate accumulation of the property over his lawful income. In view of the above finding, this Court does not find any merit in the allegations made by the petitioner.

5.Further, it is not the case of the seller of the property that the fourth respondent abused his power and purchased the property for under-valuation. Even for under valuation, there is a detailed procedure contemplated under Tamil Nadu under valuation of property Rules. The competent authority is deputy collector of Stamps. He never initiated any proceedings against the fourth respondent. When the purchaser agreed to purchase the property for certain value and the seller agreed to sell the property for the said value, the Court has no jurisdiction to enquire the under valuation, when proper stamp duty was paid. In this case as per the report proper stamp duty was paid and the vendor did not raise any question of under Valuation.



W.P(MD)No.12197 of 2022

6. The department also stated that the fourth respondent initiated action against the petitioner's friend under the prevention of corruption Act. In the said case, the allegation is that he accumulated the property disproportionate to the known source of income. It is also the allegation that the said officer purchased the property in the name of the petitioner also. Having grudge over the same, the petitioner preferred this frivolous complaint. This Court did not address this issue since the same cannot be gone into without relevant material. But in view of the above finding, this writ petition is misconceived one and hence dismissed. Since the department has not produced any material to show *mala fides* on the part of the petitioner that he is also involved in the earlier offence initiated against his friends, this Court is not inclined to impose cost.

7. Accordingly, this writ petition stands dismissed. There shall be no order as to costs.

17.11.2023

NCC :Yes/No

Index :Yes/No

Internet : Yes/ No

sbm



W.P(MD)No.12197 of 2022

To

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.
2. The Director,
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road, Alandur,
Chennai-600 016.
3. The Vigilance Commissioner/Additional Chief Secretary,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.12197 of 2022

K.K. RAMAKRISHNAN. J.,

sbn

W.P(MD)No.12197 of 2022

Dated : 17.11.2023