



**W.P(MD).No.17118 of 2022**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**Reserved on : 02.08.2023**

**Pronounced on : 17.11.2023**

**CORAM :**

**THE HONOURABLE MR. JUSTICE K.K.RAMAKRISHNAN**

**W.P(MD)No.17118 of 2022**

**Abdulla**

**... Petitioner**

**Vs.**

**1.The Director,  
Vigilance and Anti Corruption,  
293, MKN Road,  
Alandur, Chennai – 600 016.**

**2.The Superintendent of Police,  
Special Investigation Cell,  
Vigilance and Anti Corruption,  
293, MKN Road,  
Alandur, Chennai – 600 016**

**... Respondents**

**Prayer** : Writ Petition filed under Article 226 of the constitution of India, praying for issuance of Writ of Mandamus, to direct the respondents to implead the petitioner as one of witness in Crime No.16 of 2021 on the file of the Directorate of Vigilance and Anti Corruption Head Quarters, on the basis of the Petitioner's representation dated 13.08.2021 within a stipulated time as fixed by this Court.

**For Petitioner : Mr.A.Joel Paul Antony**

**For Respondents : Mr.T.Senthil Kumar**

**Additional Public Prosecutor**



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## **ORDER**

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This petition has been filed to direct the respondents to implead the petitioner as one of witness in Crime No.16 of 2021 on the file of the Directorate of Vigilance and Anti Corruption Head Quarters, on the basis of the Petitioner's representation dated 13.08.2021.

2. The petitioner filed this petition to direct the respondents to array him as a witness in the FIR registered in Crime No.16 of 2021. The said crime number was lodged by one B.Gangadhar. In the said complaint, numerous allegations were made against the formal minister of Tamilnadu as well as the number of other persons for the offences punishable under Sections 120(B) r/w 420, 409 of IPC 13(2) r/w 13(1)(c) and 13(1)(d) of Prevention of Corruption Act r/w Section 109 of IPC.

3. According to the petitioner, the Government of Tamilnadu decided to provide adequate water to 135 rural habitations in Vaiyampatti, Marungapuri Block, Trichy District under the combined water supply scheme with the aid of NABARD and other financial institutions and given its sanction to one K.C.P.Engineering & Private Ltd., The said K.C.P.Engineering & Private Ltd., collapsed the purpose



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of entire scheme by laying low standard pipes. It makes frequent water leakage and interruptions in water supply. Hence, the respondent police registered a case in Crime No.16 of 2021 for the offences punishable under Sections 120(B) r/w 420, 409 of IPC 13(2) r/w 13(1)(c) and 13(1) (d) of Prevention of Corruption Act r/w Section 109 of IPC against the said K.C.P.Engineering & Private Ltd., For the very same issue, on 13.08.2021, the petitioner sent a detailed representation to the respondents to take necessary action against the K.C.P.Engineering & Private Ltd., But, there was no action. Hence, the petitioner filed this Petition to array him as a witness in the FIR registered in Crime No.16 of 2021.

4. The learned Additional Public Prosecutor appearing for the respondents submitted that in the said case, the petitioner is not a complainant in connection with any of the transaction rendered by the above alleged accused. In the said circumstances, the prayer of the petitioner is not legally maintainable and the petition deserves to be dismissed.



5.In this aspects, it is relevant to following counter affidavit

filed by the Investigating Officer:-

*“2) It is submitted that based on the outcome of a Preliminary Enquiry, Prior Approval u/s 17A of the Prevention of Corruption (Amendment) Act, 2018 was accorded by the Government of Tamil Nadu to register a Regular Case against Tr.S.P.Velumani, formerly Minister for Municipal Administration, Rural Development and Implementation of Special Programme, Government of Tamil Nadu, Presently Member of Legislative Assembly from Thondamuthur Constituency into the allegation of criminal misappropriation and criminal misconduct in the awarding of tenders at Greater Chennai Corporation and Coimbatore Municipal Corporation to the firms/companies owned by his relatives and close associates during the period between 2014 and 2018. Accordingly, a Regular Case was registered in V&AC Hqrs Cr.No. 16/2021 u/s 120-B, 420, 409 IPC and 13(2) r/w 13(1)(c) and 13(1)(d) of the Prevention of Corruption Act, 1988 r/w 109 IPC on 09.08.2021 against A-1 Tr.S.P.Velumani, A-2 Tr.P.Anbarasan, A-3 M/s.KCP Engineers Pvt. Ltd., A-4 Tr.K.Chandraprakash, A-5 Tr.R.Chandrasekar, A6 Tr.R.Murugesan, A7 Tr.Jesu Robert Raja, A8 M/s.The Ace-tech Machinery India Pvt.Ltd., A9 M/s. Constronics Infra Ltd., A-10 M/s.Constromall Goods Pvt.Ltd., A-11 M/s.SriMaha Ganapathy Jewelers (P) Ltd., A-12 M/s.Aalayam Foundations Pvt.Ltd., A-13 M/s.Valdurya Hotels (P) Ltd., A-14 M/s.Ratnaa Lakshmi Hotels (P) Ltd., A-15 M/s.Aalam Gold and Diamonds (P) Ltd., A-16 AR ES PE Infra(P) Ltd., A-17 Tr.KU Rajan, Proprietor of CR Constructions and others and unknown officials, and took up for investigation.*



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8) It is respectfully submitted that the petitioner Tr.M.Abdulla approached this Hon'ble Court to direct the respondents to implead the petitioner as a witness in Crime No.16/2021 on the file of the Directorate of Vigilance and Anti Corruption, Headquarters, based on the petitioner's representation dated: 13.08.2021.

9) It is respectfully submitted that, the petitioner has stated in his petition that he had already filed a writ petition before this Hon'ble Court against the company M/s KCP Engineering Private Limited for the alleged substandard contract works carried out in the Combined Water Supply Scheme of 135-Rural Habitation in Vaiyambatti-Marugapuri Block, Trichy District. As he came to know that a case is being conducted against the said contractor company, the petitioner has requested the Directorate of Vigilance and Anti Corruption to include him as a witness in the ongoing investigation of the case in Cr.No. 16/2021.

10) It is respectfully submitted that, the petition dated 13.08.2021 was received at the Directorate of Vigilance and Anti- Corruption on 16.08.2021. As the petition related to the allegation involved in Trichy district, the petition was forwarded to the Vigilance and Anti Corruption, Trichy Detachment, to take proper action in this regard.

11) It is respectfully submitted that based on the above mentioned petition, the Deputy Superintendent of Police, Vigilance and Anti Corruption, Trichy Detachment has conducted the Factual verification and he has sent a report dated 11.08.2022 to the DVAC as below:

a) It is alleged that the company and the owners of M/s.KCP Engineers Private Limited, Rengarajapuram Main Road, Kodambakkam, Chennai-24, along with the officials of TWAD department, has executed an illegitimate contract by



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*purchasing poor quality pipes and embedding it in a very low depth horn Kottaikaranpatty to Vaiyampatty of Marungapuri Union, Trichy in Combined Water Supply Scheme to the 135- Renal Habitations.*

*b) It is reliably learnt that the petitioner Mr.M.Abdulla is claiming to be an RTI activist.*

*c) It came to know that the petitioner Mr.M.Abdulla, habitually involving in various allegation by threatening the Government servants and influencing with them by way giving petition against the Government officials. Some of the instances listed below in which this Hon'ble Court had imposed fine and cases charged against the petitioner;*

*d) The petitioner M.Abdulla approached this Hon'ble Court, in WP (MD) Nos. 4151 & 12648 of 2018, sought for direction to transfer the Deputy Director, Agricultural Department, Trichy, who had involved in Trichy V&AC Cr.No.2/2015, in which the Hon'ble High Court, Madurai Bench dismissed the writ petitions and imposed a heavy cost of Rs.1,00,000/- (Rs.50,000/- in each petition) on the petitioner for filling the writ petitions with malafide intention, for his personal gains.*

*13) It is respectfully submitted that the case in hand of DVAC in Cr.No.16/2021 and the contention of the petitioner regarding the Combined Water Supply Scheme at Marungapuri Union, Trichy are different foot except for the alleged company M/s.KCP Engineers Private Limited. Hence, the prayer of the petitioner to include him as a prosecution witness in the case in Cr.No.16/2021 does not arise”.*



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6. In view of the factual circumstances, the petitioner has no *locus standi* to implead him as one of the witness in Crime No.16 of 2021. Hence, this Court is not inclined to entertain this petition and the petition deserves to be dismissed.

7. Accordingly, this Writ Petition stands dismissed. No costs.

**17.11.2023**

Internet : Yes / No

Index : Yes / No

Speaking / Non Speaking order  
dss

To

- 1.The Director,  
Vigilance and Anti Corruption,  
St.Thomad Mount,  
Alanthur, Chennai.
- 2.The Deputy Superintendent of Police,  
Vigilance and Anti Corruption,  
Tenkasi, Tenkasi District.
- 3.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court, Madurai.



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**K.K.RAMAKRISHNAN, J.**

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