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W.P.No.10789 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2024

CORAM

THE HON'BLE MR.JUSTICE **VIVEK KUMAR SINGH**

W.P.No.10789 of 2024

Southern Regional Contractors Association,
Regn. No.150/2021,
No.155, 3rd Floor,
Thambu Chetty Streetm
Chennai 600 001.
Rep by its Executive Member,
Mr.M.Prabhu.

... Petitioner

Vs.

1.The Director,
Vigilance & Anti Corruption Department,
No.293, MKN Road, Alandur, Chennai 16.

2.Mr.Manickam Pandithurai,
Managing Director,
M/s.Hariway Lines,

... Respondents

PRAYER : Writ Petition filed under Article 226 of Constitution of India, for issuing a Writ of Mandamus directing the first respondent to register a First Information Report under Prevention of Corruption Act, IPC and other laws pursuant to the complaint dated 26.03.2024 given by the petitioner and expedite the investigation of the matter.



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For Petitioner : Mr.M.Raja

For Respondents: Mr.S.Santhosh,
Government Advocate (Crl.Side) for R1
M/s.Ranjayani for R2

ORDER

This Writ Petition is filed seeking for issuance of a Writ of Mandamus directing the first respondent to register a First Information Report under Prevention of Corruption Act, IPC and other laws pursuant to the complaint dated 26.03.2024 given by the petitioner and to expedite the investigation of the matter.

2. The petitioner had given a representation dated 26.03.2024 to the first respondent which was received on 03.04.2024, in which, the allegations were raised against the officials of Highways Department for having conspired with one Tr.Pandithurai, Contractor, M/s.Hairway Lines, Pudukottai District and awarded most of the contracts with respect to Road marking and Road furniture works to him and obtained 20% commission from the concerned. Hence, the petitioner seeks necessary action against the erred officials and conduct inspection



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about L1 contractors whether they have selected as per the existing procedures.

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3.Heard the learned counsel for the petitioner and the learned Government Advocate (crl.side) for the first respondent and learned counsel for the second respondent.

4.The learned Government Advocate (crl.side) appearing for the first respondent submitted that the representation of the petitioner was scrutinized by the Directorate. The Directorate had forwarded the same to the Director General, Highways Department, for taking necessary action vide ref. In DVAC Petn.No.4271/2024/HD/PK, dated 08.04.2024 and the same was informed to the petitioner and has been proceeded further as per the instruction issued in Government Memo No.1356/64/2, Public (Services-B) dated 08.04.1964. In the meanwhile, the petitioner had sent similar petitions nearly 21 to most of the detachments of this Directorate and also filed this Writ Petition. Hence, factual verification was conducted as per G.O.Ms.No.173, P and AR(N) Department, dated 19.12.2018. During the course of factual verification, it was ascertained that the State Highways Department invited tender for the Road making and Road



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furniture work and tender were prefixed and 80% of the works were awarded to particular company namely, M/s. Hairways lines for the past three years. But the petitioner could not furnish any supporting documents to substantiate the allegations. Since the Head of the Department is the Competent Authority to scrutinize the relevant documents and to take appropriate action on the representation of the petitioner, it was forwarded to the Director General, Highways Department, Chennai, for taking necessary action.

5.In view of the submissions made by the learned Government Advocate (crl.side), this Court, without going into the merits of the case, directs the Director General, Highways Department, Chennai, to consider the representation of the petitioner dated 26.03.2024 and pass appropriate orders in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.



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6. With the above direction, this Writ Petition is disposed of. No costs.

01.07.2024

Index : Yes / No
Speaking / Non-speaking
Neutral Citation : Yes / No
vkr

To

1. The Director,
Vigilance & Anti Corruption Department,
Alandur, Chennai 16.
2. The Director General,
Highways Department, Chennai.

VIVEK KUMAR SINGH, J.



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