



WP No.15715 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

AND

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

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M/s.Medavakkam Main Road Residence,
Welfare Association,
Represented by President R.Baskar,
No.130, Medavakkam Main Road,
Adambakkam, Chennai-600 088.

: Petitioner

versus

- 1.The Chief Secretary to Tamil Nadu Government,
St.George Fort, Secretariat,
Chennai.
- 2.The Secretary,
Municipal Department,
Tamil Nadu Government,
St.George Fort, Secretariat,
Chennai.
- 3.The Director,
Vigilance and Anti Corruption,
MKN Road, Alandur,

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Chennai-600016.

4.The Commissioner,
The Greater Chennai Corporation,
Ribon Building,
Chennai.

5.The Chief Engineer (Bridge & Building),
Greater Chennai Corporation,
Chennai.

6.The Superintending Engineer (Bridges & Co-ordination),
Greater Chennai Corporation,
Chennai.

7.Executive Engineer (Bridges),
Greater Chennai Corporation,
Chennai.

8.The Assistant Executive Engineer,
Greater Chennai Corporation,
Chennai.

9.M/s.Thomas Iyaadurai,
Infrastructure Private Limited,
No.1/2, M.D.Swamy Nagar,
1st Street, Madhavaram Milk Colony,
Chennai-600 051.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of Mandamus, directing the first respondents to take appropriate stringent action on 4 to 8 respondents with regard to the various irregularities and fraud played in the construction of bridge connecting Jeevan Nagar 2nd Street of Medavakkam Main Road across

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Adambakkam Lake in Division No.161, Zone-12 and swindled several lakhs of public money by the respondents 4 and 8 and to take action against those who are all involved in the said fraudulent activities strictly in accordance with law and recover the swindled amount into the Government treasury.

For the Petitioner : Mr.K.V.Sajeevkumar

For the Respondents : Mr.A.Edwin Prabakar
Special Government Pleader
for respondents 1 and 2
Ms.P.T.Ramadevi
for respondents 4 to 8
Mr.R.Muniyapparaj
Additional Public Prosecutor
for third respondent

ORDER

(Order of the Court was made by *D.KRISHNAKUMAR, J.*)

When the matter was taken up for hearing, learned counsel for the petitioner submitted that the first respondent is not a necessary party in the present writ petition and only the second respondent is the competent authority to sanction permission for prosecuting the criminal case as requested by the third respondent. Therefore, he seeks to delete the name of the first respondent from the cause title

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2. Accepting the request made by the petitioner, the Registry is directed to delete the name of first respondent from the cause title as he is not a necessary party in the writ petition and make necessary amendment.

3. This writ petition is filed for a direction to the Chief Secretary to the Government, to take appropriate and stringent action against the respondent officials with regard to the various irregularities and fraud played in the construction of bridge connecting Jeevan Nagar, 2nd Street of Medavakkam Main Road across Adambakkam Lake, in Division No.161, Zone-12 for allegation that they have swindled several lakhs of public money and seeks directions to take action against those who are involved in the said fraudulent activities and to recover the swindled amount and deposit it into the Government treasury.

4. Brief facts of the case:

4.1. The writ petitioner is the President of Medavakkam Main Road



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Residence Welfare Association. The respondents 4 to 8 have made representation to the Commissioner, Greater Chennai Corporation for a proposal for the project to construct a bridge across Adambakkam Lake at Jeevan Nagar, 2nd Street, in Alandur Zone-XII, Division No.161 connecting Jeevan Nagar 2nd Street and Medavakkam Main Road. According to the petitioner, the Commissioner, Greater Chennai Corporation, without verifying whether the project is required or not, has approved the same. The Commissioner, Greater Chennai Corporation has allotted funds out of the annual funds allotted to the Municipal Department. According to the petitioner, the bridge is not at all required since the Jeevan Nagar being a residential place have alternative road to access Medavakkam Main Road. The work was given to the respondent contractor on 30.09.2022 on an estimated bid value of Rs.4,44,75,473.80/- and the duration to complete the bridge work is 24 months from the date of letter of acceptance.

4.2. According to the petitioner, the bridge is being constructed on 6 meter width canal but the length of the proposed bridge is 73.5 feet (22.4



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meters). The actual road width is only 28 feet (8.534 meters) whereas the bridge as per the proposal and estimate is 73 feet and the work value permission is accorded for the same. That apart, the pile foundation for the bridge as per the approved drawing is supposed to be 11.7 meters but only 8 meters of the pile foundation has been put up which will be evident in the M-Book of the respondent contractor. Thus, it is a blatant violation and it is clear that the respondent contractor is colluding with the respondent Officials and the entire project of constructing the said bridge is only to swindle the public money. Hence, the petitioner made a representation, dated 13.03.2024 to the Director, Vigilance and Anti Corruption. The Director, Vigilance and Anti Corruption was satisfied with the complaint and ordered for physical inspection. After conducting the physical inspection, he has forwarded the report to the Commissioner, Greater Chennai Corporation. However, the Commissioner, Greater Chennai Corporation has not taken any steps and in the contrary, has directed the respondent contractor to expedite the work. Hence, the petitioner has filed the present writ petition.

5. Learned Additional Public Prosecutor appearing for the Director,



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Vigilance and Anti Corruption Department has informed the Court that the Director, Vigilance and Anti Corruption has sent a communication, dated 03.05.2024, to the Chief Secretary to Government seeking to sanction further prosecution against the respondent officials, but still they have not received any reply from the first respondent.

6. Learned Special Government Pleader appearing for the Chief Secretary to Government and the Secretary, Municipal Department submits the said communication has been received by the Chief Secretary to Government for sanctioning further prosecution as against the respondent officials. Since the Secretary, Municipal Department is the competent authority and not the Chief Secretary to Government, the Secretary, Municipal Department will take appropriate decision, within a period of 12 weeks.

7. Heard the parties and perused the materials available on record.

8. Upon hearing the parties concerned, we do not wish to go into the



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other allegations made in the affidavit and the reply submitted by the respondent corporation. Is it stated that the Director, Vigilance and Anti Corruption Department has sent a communication dated 03.05.2021 seeking permission for sanctioning for further prosecution against the respondent officials and same is still pending. Since the Secretary, Municipal Department, is the competent authority to grant permission for sanctioning further prosecution, this Court directs the Secretary, Municipal Department to consider the said communication dated 03.05.2023 sent by the Vigilance and Anti Corruption Department and take appropriate decision, as early as possible, within a period of three months from the date of receipt of a copy of this order.

9. With the above directions, the writ petition stands disposed of. There shall be no order as to costs. Consequently, WMP No.17129 of 2024 is closed.

10. We make it clear, it is open to the petitioner, in appropriate stage, to raise all these allegations made in the present writ petition before the appropriate forum.

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[D.K.K., J.] [K.B., J.]
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Index : Yes/No
Neutral Citation : Yes/No
mrn
To

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6.Executive Engineer (Bridges),
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