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W.P.No.31824 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 16.12.2024

CORAM : MR.JUSTICE N.SESHASAYEE

W.P.No.31824 of 2023
and W.M.P.Nos.31434 and 31436 of 2023

V.Sundararajan

... Petitioner

Vs.

1.The District Collector
Chengalpet District
Chengalpet

2.The Inspector of Police
Vigilance & Anti Corruption Department
No.6, Kaliamman Koil Street
Opp. to A.R.L.M. Matric Higher
Secondary School
Manjakuppam
Cuddalore-1

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, seeking to issue a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in the proceedings in Na.Ka.No.10663-2021-A1 dated 13.10.2023 and also the proceedings of the 2nd respondent DE/15/2023/REV/VPM dated 04.10.2023 and quash the same and thereby forebear the respondents from in any way proceeding further against the petitioner in respect of the assets acquired by the petitioner.



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W.P.No.31824 of 2023

For Petitioner : Mr.N.Suresh
For Respondents : Mr.K.M.D.Muhilan
Government Advocate (Crl. Side)

ORDER

The petitioner herein faces a possibility of an F.I.R. being registered against him and has moved this petition to quash a proceeding which the investigating agency has raised for seeking some documents from the District Collector in the course of its detailed enquiry.

2.A *suo motu* action has been taken by the investigating agency suspecting the petitioner might have amassed wealth disproportionate to his known source of income. In connection therewith, the investigating agency has addressed the impugned communication to the District Collector seeking certain documents / information. This is now under challenge.

3.When the matter came up before this Court on an earlier occasion, the learned counsel for the petitioner submitted that he is being harassed by the investigating agency, and this Court has directed the investigating agency not to harass the petitioner except in accordance with the procedure declared under the Cr.P.C. Subsequently, the learned Prosecutor has made a



W.P.No.31824 of 2023

WEB COPY

statement on 13.12.2024 that atleast thrice summons U/s.41(A) Cr.P.C. were issued to the petitioner, but he did not submit to those summons.

4.This Court, therefore, cautioned the petitioner through his counsel that he cannot halt any enquiry in the matter, and if at all he is interested, he is duty bound to cooperate with the investigating agency.

5.Today, the learned counsel for the petitioner submitted that the petitioner did appear before the investigating agency twice on 13.12.2024 and 14.12.2024, and that he had instruction from the investigating agency that he needs to appear only on issuance of fresh summons. The learned prosecutor, however, submitted that he is yet to obtain instruction in the matter.

6.The issue, however, is not whether the petitioner submitted to the summons of the investigating agency, but whether he has any right to interfere with the preliminary stage of the investigation. The V & AC officials have every authority in law to investigate any suspected amassment of wealth disproportionate to the known source of income of any public servant. It appears that a preliminary enquiry is underway which the V & AC describes



W.P.No.31824 of 2023

WEB COPY

as a detailed enquiry. For moving further in this enquiry, the investigating agency has addressed the impugned communication to the District Collector for certain information / documents. This Court wonders what right the petitioner has in law at this stage to hold up the V&AC official even from conducting a preliminary enquiry to ascertain whether it has to register an F.I.R. A Detailed Enquiry which the investigating agency undertakes is essentially to ensure that it does not proceed against a wrong person and harass him or her.

7.In view of the same, this Court considers that petitioner's anxiety for the present is premature and he can hold on to his anxiety till such time the investigating agency finalises its decision, the petitioner may not knock the door of the Court and waste his time and the Court's time.

8.Subject to what has been stated herein above, the petition is disposed of. Consequently, the connected miscellaneous petitions are closed. No costs.

16.12.2024

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To

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W.P.No.31824 of 2023

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3.The Public Prosecutor
High Court of Madras
Chennai 600 104



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N.SESHASAYEE, J.

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