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CRL.O.P.No.28283 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 27.11.2024

CORAM : MR. JUSTICE N.SESHASAYEE

CRL.O.P.No.28283 of 2024

M.Ramachandran

... Petitioner

Vs.

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

2.The Inspector of Police
Vigilance and Anti Corruption
Ranipet District

3.Directorate of Rural Development & Panchayat Raj
Panagal Building
Chennai 600 015
(R3 suomotu impleaded by this Court
vide its order dated 27.11.2024)

... Respondents

PRAYER: Criminal Original Petition filed under Section 528 of BNSS, 2023,
to issue direction to the 2nd respondent to complete the investigation based
on the petitioner's complaint dated 26.10.2023 as early as possible.

For Petitioner : Mr.P.Krishnan

For Respondent : Mr.K.K.D.Muhilan
Government Advocate (Crl. Side)



CRL.O.P.No.28283 of 2024

ORDER

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The petitioner herein has preferred a complaint against the Panchayat President and Secretary of Itchiputhur Village in Arakkonam Taluk, Ranipet District, which appears to make out a case U/s.13 of the Prevention of Corruption Act, 1988. He has now requires a direction to the 2nd respondent to complete the investigation in the matter.

2.Mr.K.M.D.Muhilan, the learned Government Advocate (Crl. Side) on instruction makes a statement that since the nature of the accusation requires the approval U/s.17A of the Prevention of Corruption Act, 1988, the complaint has been forwarded to the Director of Rural Development and Panchayat Raj on 26.04.2024 and the papers are pending before him.

3.Section 17A of the Act mandates that the authority to whom any such request is made by the investigating agency for approval shall have a total period of four (4) months to consider. No authority who is under a statutory obligation to perform his duty shall hold investigation process to ransom and this Court expects every authority who is enjoying with the duty to approve shall act swiftly.



CRL.O.P.No.28283 of 2024

WEB COPY

4.Since the Director of Rural Development and Panchayat Raj is not a party to this proceeding, this Court *suo motu* impleads him as a 3rd respondent and Mr.K.M.D.Muhilan, the learned Government Advocate (Crl. Side) takes notice for the newly impleaded 3rd respondent. Even though, this Court can now give a go ahead to consider the complaint on its face, since there is an obvious and apparent failure to discharge the duty by the 3rd respondent in terms of 17A of the Act, still this Court does not intend doing it for the present for experience informs the Court that these authorities have not been adequately sensitized about the seriousness and the significance of complying with Section 17A of the Act.

5.This Court, therefore, directs the 3rd respondent to bestow his best care to the nature of the complaint before him and apply his mind to all the necessary facts before making his decision as to whether the complaint deserves an approval for investigation. The 3rd respondent is informed that Section 17A of the Act is intended to save an honest public servant from victimization. The objective of the provision will fail if those on whom the responsibility lies fails its working. If after one (1) month from today the



CRL.O.P.No.28283 of 2024

WEB COPY

authority does not take any conscious step, then the papers are directed to be placed to the Secretary, Rural Development and he is required to take necessary action against the 3rd respondent departmentally. In addition, the Secretary, Rural Development is also required to sensitize the authority on the scope and need to comply with Section 17A of the Act.

6.This Criminal Original Petition is accordingly disposed of. If however this order is not complied within a period of one (1) month from today, the respondents 1 and 2 are required to act on the said complaint as per law.

27.11.2024

kas

Index : Yes / No
Neutral Citation

Note: Issue order copy on 28.11.2024

To

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



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2.The Inspector of Police
Vigilance and Anti Corruption
Ranipet District

3.Directorate of Rural Development & Panchayat Raj
Panagal Building
Chennai 600 015

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



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CRL.O.P.No.28283 of 2024

N.SESHASAYEE, J.
kas

CRL.O.P.No.28283 of 2024

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