



WP(MD) No.4478 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **29.02.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.4478 of 2024

K.Kesavamani

... Petitioner

/vs./

- 1.The District Collector,
Sivagangai District,
Sivagangai.
- 2.The Superintendent of Police,
Sivagangai District,
Sivagangai.
- 3.The Director,
Directorate of Vigilance and Anti Corruption,
Chennai.
- 4.The Deputy Superintendent of Police,
Vigilance and Anti Corruption Division,
Sivagangai District.
- 5.The Block Development Officer,
Devakottai,
Sivagangai District.



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6.The Inspector of Police,
Taluk Police Station,
Devakottai,
Sivagangai District.

7.A.Murugan

8.S.Selvam

*(R3 has been suo motu impleaded
by this Court vide order dated
29.02.2024)*

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 6th Respondent to register a criminal case upon the proceedings of the 1st Respondent in Na.Ka.R.2/16833/2021 dated 19.09.2022 communicated to the 6th Respondent through the letter of the 5th Respondent in Na.Ka.Pi 4/428/2019 dated 09.06.2023 against the 7th and 8th Respondents within a period stipulated time by this Court.

For Petitioner : Mr.M.Mohamed Sherbudeen

For R1 to R4 & R6 : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)

ORDER

The learned Counsel for the Petitioner submitted that the Petitioner had earlier served as a Panchayat President in Kandadevi Panchayat within the Devakottai Taluk of Sivagangai District. It is his further submission that the sixth Respondent is the elected President of Kandadevi Panchayat and seventh



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Respondent is the Secretary of the said Panchayat. As per the Directorate of Vigilance and Anti Corruption, they conducted surprise inspection and found out that the sixth Respondent had indulged in misappropriation of Panchayat funds. The preliminary report of the Directorate of Vigilance and Anti Corruption was placed before the District Collector, Sivagangai. It was forwarded to the Block Development Officer, Devakottai to lodge a complaint and to register a case. The fifth Respondent / Block Development Officer, Devakottai, Sivagangai District had forwarded the same to the Inspector of Police, Taluk Police Station, Devakottai, Sivagangai District for registering the case. It is the contention of the learned Counsel for the Petitioner that the fourth Respondent in his letter dated 09.06.2023 directed the Inspector of Police, Taluk Police Station, Devakottai, Sivagangai to register a case and investigate the case. Till date, no action had been taken.

2.Earlier, the Petitioner herein moved Writ Petition in W.P.(MD).No.5413 of 2021 and the Division Bench of this Court vide order dated 07.06.2021 directed the Directorate of Vigilance and Anti Corruption to grant necessary permission to conduct enquiry in the aforesaid Writ Petition. Even though the



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District Collector, Sivagangai is not a party, the Division Bench of this Court directed the Registry to mark a copy of the order to the District Collector, Sivagangai District with a specific direction that the District Collector, Sivagangai District shall do the needful in the matter at the earliest, preferably within a period of four weeks from the date of receipt of a copy of the order and after obtaining permission, the Deputy Superintendent of Police, Vigilance and Anti Corruption Division, Sivagangi shall commence and complete the enquiry.

3.The learned counsel for the respondents 7 and 8 submits that only after filing of this Writ Petition, the Inspector of Police, Taluk Police Station, Devakottai, had registered the FIR based on the complaint of the Block Development Officer. The Superintendent of Police shall peruse the report of the Deputy Superintendent of Police, Vigilance and Anti Corruption Division, Sivagangai District and the District Collector, Sivagangai District. As per the earlier preliminary report filed by the Deputy Superintendent of Police, Vigilance and Anti Corruption Division, Sivagangai District, the subject matter of the case involves Directorate of Vigilance and Anti Corruption Division. Therefore, it is to be decided, whether the investigation is to be proceeded by the Deputy



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Superintendent of Police, Vigilance and Anti Corruption Division, Sivagangai District or by the local Police. The registration of the case based on the complaint of the Block Development Officer is found not proper.

4.Considering the submission of the learned counsel for the petitioner that the Deputy Superintendent of Police, Vigilance and Anti Corruption Division, Sivagangai District had already conducted the preliminary enquiry and made the report available to the District Collector, Sivagangai District, it is for the District Collector, Sivagangai to pass appropriate orders. The approach of the District Collector, Sivagangai directing the Block Development Officer to file a complaint with the Inspector of Police, Taluk Police Station, Devakottai is found unacceptable, considering the nature of the allegations and the Agency, to which the investigation has to be carried out. The local Police is incompetent to consider the investigation of the cases of this nature. The registration of the case as pointed out by the learned counsel for the respondents 6 and 7 is found justified, considering the FIR made available today. It has been registered only yesterday. Therefore, the respondents 6 and 7 shall appear before the fourth Respondent/Deputy Superintendent of Police and make their submissions. The



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Superintendent of Police, Sivagangai District, is directed to withdraw the case registered with the Inspector of Police, Taluk Police Station, Devakottai, Sivagangai District, as the matter involves investigation by the Vigilance and Anti Corruption Department and hand over the same to the Deputy Superintendent of Police, Vigilance and Anti Corruption, Sivagangai District. The third Respondent, the Director, Directorate of Vigilance and Anti Corruption, Chennai, shall monitor the investigation to its logical conclusion. The Director, Directorate of Vigilance and Anti Corruption, Chennai, is *suo motu* impleaded by this Court as third respondent. The original respondent shall be re-arranged accordingly.

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

29.02.2024

Index : Yes / No
Internet : Yes / No
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Note:

Registry is directed to carry out necessary amendment.



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SATHI KUMAR SUKUMARA KURUP, J.

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Order made in
W.P.(MD)No.4478 of 2024

Dated:
29.02.2024