



W.P(MD)No.4538 of 2018

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.02.2024

CORAM:

**THE HONOURABLE MR.JUSTICE D. KRISHNAKUMAR
and
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

W.P(MD)No.4538 of 2018

Murugesu Pillai

... Petitioner

VS.

1.The Principal Secretary to Government,
Public Works Department,
St. George Fort,
Chennai – 9.

2.The Director,
Vigilance and Anti-Corruption,
Chennai – 28.

3.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Punnai Nagar,
Nagercoil.

4.The Inspector of Police,
Iranjel Police Station,
Kanyakumari District.

5.T.Kingsley
6.T.Kathiravan
7.Ponnammal

... Respondents



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WEB C **PRAYER :** Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 2 and 3 to enquire into the matter and to take appropriate action against the respondents 5 to 7 based on the representation of the petitioner, dated 29.01.2018.

For Petitioner	: Mr.S.Satheesh Kumar
For Respondent Nos.1 to 4	: Mr.N.Satheesh Kumar Additional Government Pleader
For Respondent Nos.5 & 6	: Mr.V.Muthukamatchi

ORDER

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

Prayer in the Writ Petition is to direct the respondents 2 and 3 to enquire into the matter and to take appropriate action against the respondents 5 to 7 based on the representation of the petitioner, dated 29.01.2018.

2.The petitioner has filed the present Writ Petition as a 'Public Interest Litigation' stating that there is a pond called 'Kunnathukulam' in Survey Nos.674/4 and 676/3 and nearby the said pond, there are jack fruit trees for a long time, which are under the control of the Public Works



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Department. Due to heavy rain and Ockhi cyclone, the above said Jack fruit trees fell down on 30.11.2017. The respondents 5 and 6 in collusion with respondent No.7 have taken away the wooden logs. However, on 10.12.2017, the respondents 5 and 6 lodged a complaint before the fourth respondent to take necessary action for the theft of wooden logs of jack fruit trees. Subsequently, the respondents 5 and 6 have stated before the fourth respondent that respondent No.7 has mistakenly taken away the wooden logs which are under the control of the respondents 5 and 6 and requested not to take further action with regard to the complaint made by them. But, the fourth respondent rejected the said request by stating that the matter involves theft of Government property and hence, the same cannot be closed without further action. Since the respondents 5 to 7 have colluded together and taken away the valuable Jack fruit trees worth about Rs.2,00,000/- and made a loss to the State exchequer and the same has not been returned, the petitioner made a representation to the respondents 2 and 3, dated 29.01.2018. Since the said representation has not been considered, the present Writ Petition has been filed.



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3.The respondents 5 and 6 has filed a counter-affidavit, wherein it is stated as follows:

'The sixth respondent herein has made a complaint before the Inspector of Police, Iraniel Police Station in his proceedings in 787/Ko.3/Oo.Po(C), dated 10.12.2017, before finding out the theft of Jack Fruit trees one Mrs.Ponnammal/7th respondent, herself admitted her mistake, stating that mistakenly she has taken the Jack Fruit tree which belongs to PWD authority. Therefore, she herself voluntarily handed over the tree, which belongs to PWD Department. After recover the same which is kept under the control of Public Works Department. After receiving the written statement made by her. The sixth respondent made a communication to the Inspector of Police, Iraniel in his proceedings in 791/Ko.3/Oo.Po(C), dated 12.12.2017 stating that one Mrs.Ponnammal/seventh respondent herself handed over the tree which belongs to the Public Works Department, wherein she admitted that she mistakenly taken the trees and the same has been handed over to the office of the respondents 5 and 6. Therefore, no further action will be taken as against the complaint dated 10.12.2017.'

4.On a perusal of the materials available on record, it is seen that though the petitioner has alleged that Government property has been stolen by the respondents 5 to 7, he has not even produced any material



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before this Court to substantiate his allegation. When a Public Interest Litigation is filed seeking a direction to the authority concerned, the petitioner ought to substantiate his claim with necessary documents/particulars. Without placing any such material, a Public Interest Litigation cannot be entertained at all. Hence, we are not inclined to entertain this Writ Petition.

5. Accordingly, the Writ Petition is dismissed. No costs.

[D.K.K.,J.] [R.V.,J.]
05.02.2024

NCC : Yes / No
Index : Yes / No
ps



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ORDER MADE IN
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