



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25-08-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE P. DHANABAL

W.A No. 2566 of 2025 AND CMP NO. 20426 OF 2025

V.Sundararajan,
S/o.Venkatraman, No.89, Thalpathi Street,
Government Employees Nagar, Salamedu, Villupuram.

..Appellant

Vs

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

..Respondent(s)

Prayer : Writ Appeal under Clause 15 of the Letters Patent to set aside the order dated 16.12.2024 made in W.P.No.31824 of 2023 and to call for the records of the 1st Respondent in his 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 manner proceeding further against the Appellant in respect of the assets acquired by the Appellant and pass such further and other orders as this Honourable Court may deem fit and proper in the facts and circumstances of the case and thus render justice.

For Appellant :

For Respondent(s):

Mr.Venkatesh Mahadevan

Mr. S. John.J. Raja Singh,
Additional Government Pleader For R1
Mr. Babu Muthu Meeran,
Additional Public Prosecutor For R2



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Judgment
(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra Court appeal has been directed against the order passed by the Writ Court dated 16.12.2024 made in W.P.No.31824 of 2023.

2. The appellant herein was the writ petitioner, who was working as Special Tahsildar (Stamps). During that period, it is the apprehension of the Department of Vigilance and Anti Corruption (hereinafter referred to as 'DVAC') and he has amassed wealth disproportionate to his known source of income. Therefore, in order to investigate the matter, the first respondent ie., the Inspector, Vigilance and Anti Corruption, Cuddalore, issued summons for the production of some documents, which have not been produced by the appellant / petitioner. Therefore, he had sent a letter to the first respondent / District Collector on 04.10.2023 to provide certain documents like Property Return Statement I to VI, Pay Drawn and other Remuneration Paid, Copy of orders, rules, instructions specified / amended applicable to the department / individual officer on various transactions of movable / immovable assets acquired through his own sources or as gifts received by him or his family members from relations / friends, details / copy of the entries made in the service book in respect of movable / immovable assets.

3. Pursuant to this request made by the second respondent, the first respondent / District Collector, vide his communication dated 13.10.2023, had written to the Tahsildar concerned at Chengalpattu to take steps to supply those



documents as sought for by the second respondent. These two communications ie., the request letter dated 04.10.2023 of the second respondent and the instructions letter given by the District Collector dated 13.10.2023 to the Tahsildar to supply the documents to the second respondent has been questioned by the appellant / writ petitioner in the said writ petition seeking for a writ of certiorarified mandamus.

4. The said writ petition was heard and dismissed by the learned Judge through the impugned order dated 16.12.2024. The learned Judge has recorded that though summons had been issued earlier, the writ petitioner did not appear and subsequent to the summons issued by the Investigating Officer twice, it was the claim of the writ petitioner that he had appeared. However, the preliminary enquiry of the investigation is yet to be over and to proceed further in the matter, the DVAC Inspector was in need of certain documents, which were not since supplied by the petitioner / appellant, those documents were sought for from the office, where he had already worked as Special Tahsildar (Stamps) and therefore those documents alone were sought for by the letter dated 04.10.2023 issued by the second respondent making the request to the first respondent District Collector.

5. The learned Judge, in Para 6 of the order impugned has recorded that it appears that a preliminary enquiry is underway, which the DVAC described as detailed enquiry and for further moving in the enquiry, the investigating agency has addressed the impugned communication to the District Collector for certain



information or documents. The Court further records that this Court wonders as to 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.

6. Even though it was submitted by the learned counsel for the appellant that already against the writ petitioner / appellant a complaint had been given before the Lok Ayukta and the Lok Ayukta had referred the complaint for investigation to the Directorate of Vigilance and Anti Corruption, who, after conducting the investigation has given a clean chit in his report and therefore, once the investigating agency who completed the investigation as directed by the Lok Ayukta has given a clean chit against the writ petitioner / appellant, the question of further investigation or enquiry either preliminary or otherwise to be conducted by the DVAC Inspector ie., the second respondent does not arise. Therefore, the learned counsel for the appellant / writ petitioner would submit that the Inspector of Police, DVAC cannot proceed with further enquiry and therefore for that purpose since those documents have been sought for through the order impugned before the writ Court that was sought to be interfered with, but the learned Judge has not considered the same in proper perspective and hence he seeks the indulgence of this Court by way of the present writ appeal, he contended.



7. On the other hand, learned Government Counsel appearing for the respondents would submit that, there has been a complaint with regard to amassing of wealth disproportionate to the known source of income by the petitioner / appellant and in this context, investigation had to be conducted by the DVAC and for such investigation, some of the documents as has been sought for by the letter dated 04.10.2023 was required, which are public documents and the same were ordered to be given by the communication of the District Collector dated 13.10.2023. Therefore, these are intra-departmental communication and such communications need not be interfered and the petitioner / appellant does not have any jurisdiction to question such communications which is a routine one between two officials of the State Departments.

8. Though it was also submitted by the learned Government Counsel that subsequent investigation reveals that there has been a case registered against the writ petitioner / appellant and accordingly FIRs have been registered, those are subsequent to the orders impugned before the Writ Court and therefore does not come within the purview of this writ appeal.

9. Be that as it may. After having heard the parties, we feel that as has been rightly held by the learned Judge through the impugned order, the present appellant / writ petitioner does not have any right to interfere with the enquiry to be conducted by the DVAC. Whatever complaint comes to the Department or whatever suspicion comes to the notice of the DVAC, it is their duty to investigate the same



and before proceeding further by registering an F.I.R., preliminary enquiry would be conducted by them and for conducting such preliminary enquiry, such basic documents are required and if those documents are not submitted by the government servant himself despite the summons issued in this regard, the Investigating Officer would have no other documents but to depend on those documents to be supplied only from the office where the delinquent worked. Therefore, such a course of action has to be adopted by the second respondent. Thereby, he writes a letter dated 04.10.2023 to the first respondent / District Collector seeking for the documents which we have mentioned supra. Those documents are public documents, which are very much available with the office, where the present appellant / writ petitioner had worked earlier and therefore, supplying of those documents is a routine procedure or duty cast upon them.

10. When that being so, whether that kind of issuance or supplying of documents between officials of the two departments of the State to proceed with the preliminary enquiry entrusted with the DVAC, can be thwarted by filing a writ petition, is the question.

11. While we delve into that question, we have no hesitation to hold that, even though judicial review is a right conferred on every citizen including the present petitioner / appellant, the question that has been raised before the Writ Court was whether such a letter dated 04.10.2023 and the subsequent instruction dated 13.10.2023 of the second respondent and first respondent respectively was



justifiable or not and that question has been answered by the learned Judge through the impugned order.

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12. Beyond which, absolutely there has been no subject to be decided in the said writ petition and therefore not decided by the learned Judge. Therefore, the point raised by the learned counsel for the appellant that based on the Lok Ayukta's reference clean chit has been given in respect of the petitioner / appellant is concerned, this Court, at this stage we cannot go into those minute details as to on what basis the DVAC wants to conduct enquiry and whether the report given by the DVAC is connected with the issue now being investigated even by way of preliminary enquiry by the DVAC is one and the same or not, as those are all matters to be gone into in detail, but not in this proceedings.

13. In this context, if at all the writ petitioner / appellant feels that the second respondent does not have the jurisdiction even to conduct a preliminary enquiry, that kind of question can be raised in an appropriate proceedings and not before this Court, as because the order passed by the learned single Judge in the writ petition, where, only the 04.10.2023 request letter of the second respondent and 13.10.2023 instruction letter given by the District Collector alone were questioned, and that has been rightly answered by the learned single Judge.



14. Therefore, we do not see any reason to interfere with the view taken by the learned single Judge. Resultantly, this writ appeal fails and the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (P.D.B.,J.)
25-08-2025

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

KST



To

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



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**R.SURESH KUMAR J.
AND
P.DHANABAL J.**

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