



WEB COPY



W.P.No.30202 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:06.02.2025

Coram:

THE HONOURABLE MR. JUSTICE M.NIRMAL KUMAR

Writ Petition No.30202 of 2024

and

W.M.P.No.42973 of 2024

and

W.M.P.No.4152 of 2025

M.J.Sankar,
No.3/1, Thirumoorthy Street,
T.Nagar, Chennai 600 017.

.. Petitioner

/versus/

1.The Joint Director,
Head of Zone,
Central Bureau of Investigation,
3rd Floor, EVK Sampath Building,
College Road, Nungambakkam,
Chennai 600 006.

2.The Central Vigilance Commissioner,
Satkarta Bhavan, Block-A,
GPO Complex, INA,
New Delhi 110 023.



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3.The Head of Branch,
CBI ACB Chennai,
3rd Floor, Sastri Bhavan,
No.26, Haddows Road, Nungambakkam,
Chennai 600 006.

4.The Principal Director General,
Directorate of Revenue Intelligence,
7th Floor, D Block,
IP Bhavan, New Delhi 110 002.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to take action based on my representation dated 31.05.2023 within a time frame.

For Petitioner	:Mr.M.J.Sankar (Party in person)
For R1 to R3	:Mr.N.Baskaran, Special Public Prosecutor for CBI
For R4	:Mr.G.Meganathan

ORDER

The petitioner filed this Writ Petition seeking Writ of Mandamus directing the respondents to take action based on the representation of the petitioner dated 31.05.2023.



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2.The contention of the petitioner is that the petitioner is an RTI activist and whistle blower involved in unearthing several high profile smuggling and anti-smuggling cases and recovered revenues worth several crores to the Government of India. The petitioner's father Mr.B.Mohan has been working as a car dealer of Indian and imported cars for more than 50 years. In the year 2008, the Directorate of Revenue Intelligence, the fourth respondent initiated a larger-scale investigation into the illegal import of luxury cars into the country by one Mr.AlexC.Joseph, a native of Kerala, and resident of Chennai. Several luxury cars belonging to international brands such as Rolls Royce, Bently, Hummer, Porche, Lexus, Toyota, Mercedes Benz, etc., smuggled into the country after tampering with their engine and chassis numbers. The illegally imported cars were stolen from various countries, brought into Dubai and then smuggled into India by fabricating the original documents. The passports of daily wage labourers/drivers used for the said purpose. The petitioner's father assisted the fourth respondent to locate, search, identify the tampered chassis and engine numbers and impound the said smuggled imported cars. The



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petitioner identified the stockyard where Alex C.Joseph kept the smuggled cars.

3. This being so, in the year 2010, the fourth respondent/Director of Revenue Intelligence paid an amount of Rs.27,000/- as “Token Reward” for the information produced by the petitioner’s father. Later, the petitioner came to know that the said reward amount itself was only a part of the total reward amount, which was Rs.1,55,000/- for each car and therefore, the petitioner’s father is entitled for Rs.1,55,000/-. For each car a larger scale of misappropriation committed by the authorities. The petitioner further found that there is no progress in the investigation and the petitioner approached the CBI and sent a complaint dated 27.01.2012. In furtherance to the petitioner’s complaint, the CBI registered a case and taken up the investigation against the DRI. In the petitioner’s complaint dated 27.01.2012, the petitioner had explained the corruption and active involvement of the 4th respondent in the case. The CBI after taking investigation seized 50 cars between 2012 and 2014 and therefore, large scale conspiracy unearthed. The petitioner and his father were instrumental



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in bringing to light the illegal activities of smuggling in connivance with the officials. The petitioner life was put to threat and fearing for their safety filed Crl.O.P.No.8892 of 2021 seeking a direction to register First Information Report against the persons who are causing threats.

4. Further, due to the petitioner's complaint, disciplinary actions initiated against the departmental officials and the petitioner was one of the witness to the disciplinary proceedings. In the department proceedings, it has been recorded that the petitioner was instrumental to unearth the illegal smuggling in connivance with the officials. Further, the petitioner's father had sent a letter to DRI seeking payment of the balance amount, but they had not replied. Hence, the petitioner sent a representation on 22.03.2023 seeking disposal of the reward amount due, to his father and the first respondent replied on 12.05.2023 that the CBI not registered any case on the basis of the petitioner's information, which is not proper. Further, the petitioner sent another representation for the same facts vide letter dated 31.05.2023 and no action taken and hence, the present writ petition filed seeking appropriate direction.



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5. The learned Special Public Prosecutor for CBI for the respondents 1 to 3 submitted that on 22.03.2023, the petitioner sent a representation to the respondents 1 to 3 and the respondent communicated to the petitioner vide letter in No.C7/RC 12(A)/2013/CBI/ACB/Chennai/1723/795 dated 12.05.2023 stating that *“in this connection it is informed that no records are found to show that the CBI case/s were registered on the basis of the inputs given by you. Therefore, your claim for reward from CBI is not valid”*. Further, the learned Special Public Prosecutor produced postal receipt indicating that on 12.05.2023 the said communication despatched and the petitioner acknowledged the same and the petitioner's also filed in the typed set of papers as documents. He further submitted that the earlier representation dated 22.03.2023 and the present representation dated 31.05.2023 are identical and one and the same. It is open for the petitioner to challenge the order dated 12.05.2023 but not appropriate for sending the second representation for the very same set of facts and filing the writ petition seeking Mandamus and it is not maintainable.



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6. The learned counsel appearing for the fourth respondent DRI submitted that by communication dated 23.03.2015, in F.No.VIII/26/75/2012-DRI, the fourth respondent referred to the petitioner's letter dated 20.02.2015 and informed that the original investigation files pertaining to the said information have been seized by ACB,CBI, Chennai and the same are under their investigation. In view of the above, this office is not in a position to provide further information. He further submitted that the earlier representation dated 22.03.2023 was not addressed to the fourth respondent. Likewise, the subsequent representation dated 31.05.2023 was also not addressed to the fourth respondent and without any averments and without any cause of action, the above writ petition has been filed against the fourth respondent. Hence, the same has to be dismissed.

7. Considered the rival submissions made by the learned counsels on either side and perused the records.

8. The petitioner earlier sent the representation to the first respondent,



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the Central Bureau of Investigation on 22.03.2023 which has been considered by the CBI by communication dated 12.05.2023 stating that on the petitioner's complaint, no case registered. Further, it is the policy of CBI not to pay any rewards, unless there is declaration of reward. Further, the contention of the petitioner is to proceed against the officials i.e investigating aspect which is in the exclusive domain of CBI and the stage of investigation cannot be disclosed to the petitioner, who is neither informant nor the complainant and he has no locus to question the CBI with regard to the investigation and the petitioner had not sent any representation to the respondents 3 & 4 and he cannot seek any Mandamus against them. The representation dated 31.05.2023 is same and similar to the representation dated 22.03.2023 which was rejected on 12.05.2023. Thereafter, the present representation dated 31.05.2023 sent. The petitioner cannot create cause of action for the same facts again and again which has been earlier rejected. In view of the above, this Writ Petition is liable to be dismissed.

9. Accordingly, **this Writ Petition is dismissed.** Consequently,



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connected Miscellaneous Petitions are closed. No costs.

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Index:yes/no

Speaking order/non speaking order

Neutral citation:yes/no

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2.The Central Vigilance Commissioner,
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3.The Head of Branch, CBI ACB Chennai,
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5. The Public Prosecutor, High Court, Madras.

M.NIRMAL KUMAR, J.

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