



W.P.Crl.No.703 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.11.2025

CORAM

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.Crl.No.703 of 2025

M.Yogeshwaran

... Petitioner

vs.

1.The Commissioner of Police,
Salem – 636 006.

2.The Superintendent of Police,
Salem District,
Salem – 636 002.

3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Salem – 636 007.

4.The Inspector of Police,
Vigilance and Anti Corruption,
Salem – 636 007.

5.Mrs.Jayanthi,
Tahsildar, Valapadi Taluk,
Salem.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of



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India, to issue a writ of Mandamus directing the respondents 1 to 3 to take appropriate action against the 5th respondent based on the petitioner's representation dated 09.04.2025 to initiate criminal proceedings against the 5th respondent based on the petitioner's complaint dated 27.11.2024.

For Petitioner : Mr.A.Kumar

For R1 to R3 : Mr.Leonard Arul Joseph Selvam
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to direct the respondents 1 to 3 to take appropriate action against the 5th respondent based on the petitioner's representation dated 09.04.2025 and to initiate criminal proceedings against the 5th respondent based on the complainant dated 27.11.2024.

2.The learned counsel for the petitioner submitted that the petitioner's family owns 1.12 acres of agricultural land in Periya Goundapuram Village, Valapadi Taluk, Salem District and their livelihood primarily depending on agriculture. A natural water channel known as Pamboothu Odai runs through the Village originating from the nearby hilly region. Certain land



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owners on either side of the Odai illegally encroached upon the Odai by dumping soil and converting portions into a footpath. The petitioner's father V.Murugesan submitted a petition to the Tahsildar of Valapadi on 21.07.2023 requesting Government survey to identify boundaries, remove encroachment and restore the Odai. Since no action taken, the petitioner's father filed a writ petition in W.P.No.1397 of 2023 to remove the encroachment and this Court by order dated 23.01.2024 had given a direction "In case there is a waterbody, the authorities shall restore the waterbody to its original position". Thereafter to, no steps taken by the officials and hence, Cont.P.No.2645 of 2024 filed and the same is pending. In the meanwhile, the petitioner and his father met the 5th respondent Tahsildar on 03.10.2024 and requested her to take immediate action. The 5th respondent directed the petitioner and his father to meet her Office Assistant Karthik, who demanded a bribe of Rs.15,000/-, in which Rs.10,000/- for Tahsildar/5th respondent and Rs.5,000/- for himself to take steps for measuring the land and laying boundary stone. The petitioner and his father were reluctant to pay the bribe amount. Again on 25.11.2024, the demand was reiterated and not willing to pay the bribe amount, complaint



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lodge to the Inspector of Police, Vigilance and Anti Corruption/3rd respondent herein, who forwarded the complaint to the 4th respondent who registered a case in Crime No.14/AC/2024 under Section 7(a) of Prevention of Corruption Act against the said Karthik. The said Karthik was caught red handed receiving the bribe amount of Rs.15,000/- through his agent Murugamani. But no action taken against the Tahsildar/5th respondent on whose instructions, bribe was demanded. Hence, a representation dated 09.04.2025 was submitted to the higher officials but no action taken. Hence, the present writ petition.

3.The learned Additional Public Prosecutor filed his counter and submitted that the allegations in Para 5 of the affidavit filed by the petitioner is correct only to certain extent. On perusal of the written complaint lodged by the petitioner before the respondents 3 and 4 clearly reveals that the said Karthik only demanded Rs.15,000/-, out of which Rs.5,000/- for himself and Rs. 10,000/- for the 5th Respondent/Tahsidlar, Valapadi. But after the demand of bribe by the said Karthik, neither the petitioner nor his father made any attempt to meet the 5th respondent to confirm the alleged illegal



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demand of bribe made by the said Karthik. He would submit that eventhough the petitioner along with his father met the said Karthik on 25.11.2024 at around 11.30 a m. and he reiterated his earlier demand, but the petitioner not taken any steps to meet the 5th respondent and confirm the demand made by the said Karthik using her name. He would further submit the petitioner and his father not willing to bribe the 5th respondent through her Office Assistant Karthik, lodged a written complaint to the Vigilance & Anti-Corruption, Salem and the same registered in Cr.No.14/AC/2024 under Section 7 (a) of the Prevention of Corruption Act, 1988 as amended in 2018, nowhere in the complaint it is stated that the 5th respondent/Tahsildar, Valapadi demanded any bribe either directly or indirectly. During investigation, the said Karthik gave statement before the Investigating Officer that he never demanded any bribe amount from the petitioner, only requested hand loan for his urgent family expenses. The further interrogation with 5th respondent reveals that she never instructed the above said Karthik (A1) to collect the bribe amount of Rs.10,000/- on her behalf. The investigation confirms that at no point of time, the 5th respondent demanded any bribe amount from the petitioner or his father through the



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said Karthik(A1) or anybody else. The statement of Karthik that the bribe amount of Rs.10,000/- is for 5th respondent is without materials.

4.The petitioner's contention that it is the 5th respondent Tahsildar who directed petitioner and his father to meet Karthik, her Assistant and follow his instructions and thereafter steps for removal of encroachment can be taken and the said Karthik made specific demand that Rs.10,000/- to be paid for Tahsildar/5th respondent and Rs.5,000/- is for himself and the Vigilance and Anti Corruption so far not conducted any investigation in this aspect and arrayed 5th respondent as an accused in this case is clearly an afterthought to exert pressure to get their work done and to spike vengeance.

5.The learned Additional Public Prosecutor opposed the petitioner's contention and submitted that on the day of trap i.e., on 27.11.2024 immediately after Karthik received the bribe amount, the Tahsildar/5th respondent was called and in her presence Karthik and his agent Murugamani both enquired, none of them stated anything against the 5th



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respondent. In fact Murugamani confirms that on the directions of Karthik, he received the bribe amount of Rs.15,000/-. The explanation of Karthik is that he asked for a hand loan from the defacto complainant, which was now termed as a bribe amount. He further submitted that as regards the Tahsildar/5th respondent, it is seen that on 03.10.2024 she admits that the petitioner and his father met her at about 2.20 p.m. in her office and thereafter she directed them to meet Karthik with regard to removal of encroachment.

6.Considering the submissions made and on perusal of the materials, it is seen that earlier the petitioner's father filed a writ petition in W.P.No.1397 of 2023 and this Court by order dated 23.01.2024 directed to restore the water body to its original position and remove the encroachment, if any. The petitioner's father finding that the order of this Court not obeyed, filed a contempt petition in Cont.P.No.2645 of 2024 which is pending. Thus for ascertaining the removal of encroachment and marking boundaries, the petitioner along with his father visited the office of Tahsildar/5th respondent on 03.10.2024. The 5th respondent admits that the



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petitioner and his father met her and thereafter, she directed them to meet Karthik, who is the Senior Revenue Inspector posted in the Tahsildar office.

On 03.10.2024 at about 3.00 p.m. the Village Administrative Officer of Periya Goundapuram Village and the Revenue Inspector Mr.Tamilmani was deputed to do field inspection and to measure the Odai. The 5th respondent also forwarded a report to the Block Development Officer, Ayothipattinam on 04.10.2024. On 24.10.2024, the Rural Development Authority jointly conducted a survey to study the encroachment and to fix the boundaries, further steps taken to take up the work of removal of encroachment under Mahatma Gandhi National Rural Employment Guarantee Act scheme. Further on 27.11.2024 after the trap the 5th respondent was called to be part of the enquiry and recovery conducted by the Vigilance and Anti Corruption, at that time she came to know Karthik and Murugamani were caught red handed while accepting the bribe amount. The 5th respondent is a witness for the recovery mahazar and recovery proceedings held between 12.05 hours to 18.00 hours on 27.11.2024. From the statement of Murugamani, it is seen that he acted as per the instruction of Karthik. The statement of Karthik is that he asked for a loan from the petitioner and his



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father. The petitioner on 03.10.2024 met the 5th respondent for few minutes, thereafter the petitioner and his father met Karthik on 25.11.2024 and 27.11.2024 independently. Though Karthik used 5th respondent's name made a demand, in the absence of any tangible materials, the 5th respondent cannot be automatically made as an accused, primarily on the unsolicited statement of Karthik. This Court perused the Case Diary, no material found against the 5th respondent. In view of the above, this Court finds petitioner's contention unsustainable to be rejected.

7.In the result, the writ petition stands dismissed.

10.11.2025

Index: Yes/No
Speaking Order/Non-Speaking Order
Neutral Citation: Yes/No
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