

WP(MD)No.3239 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WP(MD)No.3239 of 2025

J.Spurgeon Samuel

... Petitioner

Vs

- 1.The Director,
Vigilance and Anti Corruption,
Chennai – 600 016.
- 2.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Nagercoil – 629 004.
- 3.The Inspector of Police,
Boothapandi Panchayat,
Kanniyakumari.
- 4.The Sub Inspector of Police,
Boothapandi Panchayat,
Kanniyakumari.
- 5.Panchayat President,
Boothapandi Panchayat,
Kanniyakumari.
- 6.Tahsildar,
Thovalai,
Kanniyakumari.



WP(MD)No.3239 of 2025

7. Village Administrative Officer,
Siramadam, Kanniyakumari.

8. Village Administrative Officer,
North Esanthi Village,
Kanniyakumari

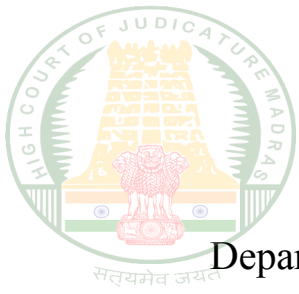
...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of mandamus directing the 1st and 2nd respondents to take appropriate action against the 3rd to 8th respondents based upon the complaint dated 22.01.2025 given by the petitioner.

For Petitioner : Mr.K.Althaf Sheriff
for M/S.Ajmal Associates
For Respondent : Mr.T.Senthil Kumar
Nos.1 to 4 Additional Government Pleader
For Respondent : Mr.J.K.Jeyaseelan,
No.5 Government Advocate
For Respondent : Mr.P.T.Thiraviyam
Nos. 6 to 8 Government Advocate

ORDER

The petitioner claims to be the Chairman of an educational trust situated at Esanthi Mangalam village, Thoivalai taluk, Kanyakumari district has filed this writ petition seeking a writ of mandamus to the respondents 1 and 2 Vigilance and Anti Corruption



WP(MD)No.3239 of 2025

Department to take action against respondents 3 to 8 by considering his complaint dated 22.01.2025.

2.The gist of the complaint is that the said educational trust is having a land in S.No.9/2B and 9/3 in Thovalai taluk to an extent of 8 acres, where several trees are grown. The adjacent land owner one Edward Dass is running an illegal brick kiln and he has illegally quarried sand from his land in the above said survey numbers, cut and removed 150 palm trees worth about Rs.1 crore. Therefore, according to the petitioner, illegal quarry was conducted to the extent of Rs.50 crores and Rs. 1 core worth trees were destroyed. Therefore he questioned the said persons, who have conducted illegal quarry. However the police have registered a false case as against him in Crime No.184 of 2024 on 28.08.2024 for the offence punishable under Sections 191, 308(2), 329 (3), 351(2) of BNS, 2023. He sent a representation to the District Collector on 12.08.2024, no action was taken and he filed a writ petition in WP(MD)SRNo.3597 of 2025 seeking a direction to the District



WP(MD)No.3239 of 2025

Collector for taking necessary action. He also lodged another complaint to the respondents 1 and 2 on 22.01.2025 and filed this writ petition.

3.The learned Additional Public Prosecutor and the learned Government Advocate appearing for the official respondents submits that the photographs produced by this petitioner are related to S.No. 261 of Siramadam village, Thovalai taluk. One Joseph, S/O.Deva Sahayam of Boothapandi village is running a brick kiln in Rs.No. 24 /1 at Esanthi Village of Thovalai Taluk and he has also obtained licence for quarrying brick mineral in his land in S.No.261 of Siramadam village, Thovalai taluk, The permission for quarrying brick mineral was granted in favour of Joseph under Rule 92(2) of the Tamil Nadu Minor Mineral Concession Rules, 1959 in URC No. 599/G &N/2008, dated 07.12.2008. The petitioner land in S.Nos. 9/2B and 9/3 is situated at Esanthi Village, Thovalai Taluk and the land in RS.No.261, where quarry permission is granted is situated at Siramadam Village.



WP(MD)No.3239 of 2025

WEB COPY

4.The learned Government Advocate has also produced the proceedings of the District Collector, Kanyakumari District in RC.No.599 dated 07.12.2008 for grant of quarrying licence in RS.No.261 and the written instructions provided by the Assistant Director (Geology and Mining), Kanyakumari District. The relevant passage from the report of the Assistant Director (Geology and Mining) is extracted as under:

“The subject area in SF.No.9/2B and 9/3 has been inspected by the Assistant Director of Geology and Mining, Kanniyakumari along with Special Revenue Inspector (Mines), Assistant Director of Geology and Mining, Kanyakumari has reported that the SF.No.9/2B and 9/3 stands in the name of Tr.J.Spurgeon Samuel vide patta No.5135 and 1860 as per vilalge accounts. No quarrying activities were noticed in the S.F.No.9/2B and 9/3 of Esanthimangalam North Village, Thoivalai Taluk, Kanniyakumari District. Further it is reported that the photos furnished in the affidavit of the petitioner is pertaining to the S.F.No.260 and 261 in Srimadam Village, Thoivalai Taluk and Kanniyakumari District.



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WP(MD)No.3239 of 2025

In this regard, it is respectfully submitted that the total station survey has been conducted in S.F.No.260 and 261 in Siramadam Village, Thovalai Taluk and Kanniyakumari District to ascertain the extent and quantity of minerals excavated in subject lands. The total station survey report will be scrutinised with the available records in the office of the subject land in S.F.No.261 over an extent of 1.58.0 hectares of Siramadam village were under quarrying earth permission granted vide District Collector's Proceedings in R.C.No.599/G&M/2008, dated 07.12.2008 for a period of one year and further it has been granted earth quarrying lease vide R.C.No. 638/G&M/2011, dated 03.01.2012 for a period of one year.”

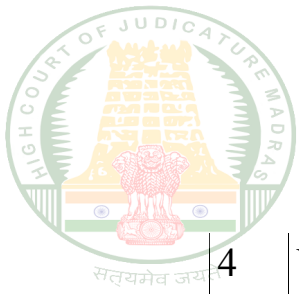
5.The learned Additional Public Prosecutor submits that the petitioner is a history sheeted rowdy involved in several cases and was also detained under Act 14 of 1982 as Goonda in TPDA No. 6842/2021, dated 01.11.2021. He further submits that this writ petitioner has intimidated one Edward Raja, who is running a quarry



WP(MD)No.3239 of 2025

in the name of Rish Blue Metals at Kanyakumari, along with 5 others, by demanding Rs.20 lakh from him for running his business peacefully without any issues. On the complaint of the said Edward Raja, a case was registered in Crime No.184 of 2024, on the file of the Boothapandi Police Station for the offence under Sections 191(1), 329 (3), 296(B) and 308(2), 351 (2) of BNS. Therefore, according to the learned Additional Public Prosecutor, this writ petition has been filed targeting the complainant in Crime No.184 of 2024, since the petitioner was arrested in the above crime number. The details of the criminal cases furnished by the learned Additional Public Prosecutor, as against the petitioner are extracted as under:

Sl. No.	Police Station	Crime No	Sections
1	Vadasery PS	270/2011	294(b), 323 and 307 IPC- Acquitted
2	Nesamony Nagar PS	102/2011	452, 427, 294(b), 506(ii) IPC and 4 of TNPHW Act - Acquitted
3	Vadasery PS	59/2012	294(b), 506(ii) and IPC 347(ii)(iii) TNPPDL Act – Acquitted



WP(MD)No.3239 of 2025

4	Vadasery PS	60/2012	294(b), 323, 506(ii) IPC- acquitted
5	Aralvoimozhi PS	108/2013	447, 294(b), 506(i) IPC & 4 of TNPHW Act
6	Vadasery PS	85/2012	447, 294(b), 427, 506(i)IPC, PT
7	Vadasery PS	1371/2010	3(i)(ii)(iii) TNPDDL Act - acquitted
8	Vadasery PS	212/2019	294(b), 324, 506(ii) IPC
9	Vadasery PS	405/2019	24A, (aaa) TNP Act
10	Vadasery PS	650/2020	294(b), 506(i) IPC and 4 of TNPHW Act
11	Eathmozhi PS	56/2021	420 IPC
12	Asaripallam PS	219/2021	452, 364, 294(b), 307, 379 (NP, 506(ii) IPC
13	Vadasery PS		Goondas TPDA No. 6842/2021, PD No.43/2021, dated 01.11.2021.

6.The learned Additional Public Prosecutor has also furnished the enquiry report of the Inspector of Police, Boothapandi Police Station, Kanyakumari District, dated 17.01.2025, on the complaint of this petitioner dated 10.01.2025. The said complaint of this petitioner dated 10.01.2025 was enquired as petition enquiry and was closed that this is a vexatious complaint lodged by this



WP(MD)No.3239 of 2025

petitioner to wreak vengeance, for the case registered as against him in Crime No.184 of 2024.

7.This Court considered the rival submissions made and perused the materials placed on record.

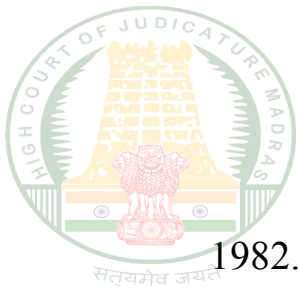
8.The petitioner has sought for a direction to the Director of Vigilance and Anti Corruption and the Deputy Superintendent of Police, Vigilance and Anti Corruption Department, Nagercoil to take action on his complaint dated 22.01.2025. The crux of the complaint is that one Edward Raja and one Dass, adjacent land owners have illegally quarried mineral from his land in S.Nos.9/2B and 9/3 in Esanthi Mangalam village. Pursuant to the notice in this writ petition the Assistant Director (Geology and Mining), Kanyakumari district has inspected the above said survey numbers of the petitioner and submitted a report that no quarry activity was noticed in S.No.9/2B and 9/3 of Esanthi Mangalam north village, Thovalai taluk, Kanyakumari district. The Assistant Director (Geology and Mining)



WP(MD)No.3239 of 2025

has also filed a report that the photographs produced by the petitioner are pertaining to the land in S.No.260 and 261 of Siramadam village, which are the lands where quarry permission was granted by the District Collector, Kanyakumari district in the year 2008 to one Joseph, S/o.Devasahayam for brick mineral in RS.No.261. It is also claimed by the Assistant Director that they have also conducted survey through total station survey and there is no illegal quarry as claimed by the petitioner.

9.The petitioner has filed this writ petition in a vague manner. The fact remains that the case was registered as against the petitioner at the instance of one Edward Raja in Crime No.184 of 2024 on the file of the Boothapandi Police station. The allegation in that complaint is that the petitioner has demanded Rs.20 lakh from the quarry operator and intimidated him that he cannot run the business peacefully without paying money. The track records of the petitioner reveals that the petitioner is a history sheeted rowdy, having several criminal cases to his credit and has been detained under Act 14 of



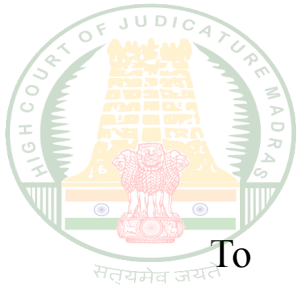
WP(MD)No.3239 of 2025

1982. The petitioner has not made out any case warranting any direction to the Vigilance and Anti Corruption Department, based on his complaint dated 22.01.2025. This Court is of the view that this vexatious complaint has been lodged either to intimidate or to wreak vengeance on the complainant in Crime No.184 of 2024. Therefore, this Court is not inclined to entertain this writ petition. Accordingly this writ petition is dismissed.

10. Since the petitioner has filed this writ petition in a reckless manner to wreak vengeance, this Court while dismissing this writ petition, is also inclined to impose a cost of Rs.25,000/- (Rupees Twenty Five Thousand) on the petitioner. The petitioner claims that he is running an educational trust, therefore let the cost be paid by the petitioner within a period of four weeks from the date of receipt of a copy of this order to the Chief Educational Officer, Kanyakumari District, who shall utilise the same for the welfare of the schools in the remote village in the Kanyakumari District.

29.04.2025

DSK



WP(MD)No.3239 of 2025

To

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Vigilance and Anti Corruption,
Chennai – 600 016.
2. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption,
Nagercoil – 629 004.
3. The Inspector of Police,
Boothapandi Panchayat,
Kanniyakumari.
4. The Sub Inspector of Police,
Boothapandi Panchayat,
Kanniyakumari.
5. Panchayat President,
Boothapandi Panchayat,
Kanniyakumari.
6. Tahsildar,
Thovalai, Kanniyakumari.
7. Village Administrative Officer,
Siramadam, Kanniyakumari.
8. Village Administrative Officer,
North Esanthi Village,
Kanniyakumari .
9. The Chief Educational Officer,
Kanyakumari District.



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WP(MD)No.3239 of 2025

B.PUGALENDHI.J.,

DSK

WP(MD)No.3239 of 2025

29.04.2025