

W.P(MD)No.3715 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 28.04.2025

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P(MD)No.3715 of 2025

S.Neelakandan

... Petitioner

Vs

- 1.The Director,
Vigilance and Anti-Corruption,
No.293, MKN Road,
Alandur,
Chennai – 600 016.
- 2.The Deputy Superintendent of Police,
Vigilance & Anti-Corruption,
Thanjavur,
Thanjavur District.
- 3.N.Selvaraj
- 4.The Secretary to Government,
Municipal Administration and Water Supply
Department,
Chennai.
- 5.The Director of Town Panchayat,
Chennai.
- 6.The Vigilance Commissioner,
Government of Tamil Nadu,
Chennai.

...Respondents



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(R3 is impleaded vide Court order, dated 05.03.2025 in WMP(MD) No.4391 of 2025 in WP(MD) No.3715 of 2025 by BPJ)

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(R4 to R6 are suo motu impleaded vide Court order, dated 05.03.2025 in WP(MD) No.3715 of 2025 by BPJ)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents herein to take necessary action based on the representation given by the petitioner on 22.01.2025, with regard to huge loss to the exchequer of Peravurani Town Panchayat and to launch criminal investigation for swindling the government money illegally, within the time stipulated by this Court.

For Petitioner	: Mr.V.Kathir Velu, Senior Counsel for Mr.K.Jeyamohan
For R1 & R2	: Mr.T.Senthil Kumar Additional Public Prosecutor
For R3	: Mr.T.Lajapathi Roy, Senior Counsel for Mr.T.Aswin Raja Simman
For R4 to R6	: Mr.P.T.Thiraviam Government Advocate

ORDER

The petitioner, who is a resident of Peravurani Panchayat has filed this writ petition, seeking a Mandamus to take action on his complaint, dated 22.01.2025.



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2.The complaint of the petitioner, dated 22.01.2025 is

that without executing work, some of the contractors, in collusion with the Executive Officer and other officials of Peravurani Town Panchyat has swindled public money for more than Rs.1 Crore. The petitioner by relying upon the proceedings of the Director of Town Panchayat in Na.Ka.No.14606/2023/O06 dated 02.02.2024 submits that this issue has already been raised by another individual, namely, Senthil Kumar in the year 2023 and on the directions of this Court in WP(MD) No.30139 of 2023, dated 18.12.2023, a direction was issued to the Director of Town Panchayat to conduct an enquiry on the allegations made by the said Senthilkumar. Pursuant to the directions of this Court, an enquiry was conducted by the Director of Town Panchayat and based on the report of the Director of Panchayat President, a disciplinary proceedings was initiated as against the Executive Officer as well as the Chairman of the Town Panchayat.

3.The petitioner has lodged a complaint on 22.01.2025 with certain allegations of misappropriation and corruption by the



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officials of Peravurani Town Panchayat and when the same has not been attended by the Vigilance Department, he has approached this Court.

4.Mr.T. Senthil Kumar, learned Additional Public Prosecutor, who took notice for the respondents 1 & 2 submitted that the complaint of this petitioner was forwarded to the Municipal Administration Department, requesting a formal sanction as required under Section 17A of the Prevention of Corruption Act,1988. Therefore, this Court has adjourned proceedings.

5.Today, it is reported that necessary sanction/permission was granted by the Municipal Administration and Water Supply (TP-3) Department, under Section 17A of the Prevention of Corruption Act in Letter(2D) No.27, dated 22.03.2025, to proceed with a detailed enquiry, on the allegations made by this petitioner, in his complaint, dated 22.01.2025. Accordingly, they have opened a detailed enquiry.



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6.The third respondent, namely, N.Selvaraj, the father-

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in-law of the Chairman of Peravurani Town Panchayat has filed an application in WMP(MD) No.4391 of 2025, to implead him as a respondent in this writ petition and since the allegations have been made that the Chairman has indulged in corrupt practice along with her husband and father-in-law, this Court has allowed the petition filed by the said N.Selvaraj (the father-in-law of the Chairman of Peravurani Town Panchayat). The learned counsel for the third respondent submits that the report of the Director of Town Panchayat, dated 22.02.2024 was challenged by the Chairman of Peravurani Town Panchayat (Mrs.Shanthi), before this Court in WP(MD) No.15386 of 2024. The said writ petition was taken up for hearing along with WP(MD) No.16932 of 2024, filed by Senthil Kumar and both the writ petitions were disposed of by this Court by a Common order, dated 15.10.2024 as against which, writ appeals are pending before the Division Bench of this Court. According to the learned counsel for the third respondent, the present writ petition is filed relying upon the very same documents, which is sub-judice before the Division Bench of this Court and therefore, this writ



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petition is not maintainable.

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7.In reply, the learned counsel for the writ petitioner has raised objections for entertaining the arguments of the third respondent that the third respondent is the proposed accused and therefore, he is not entitled for any audience during the pre-cognizable stage.

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

9.The petitioner has approached this Court that his complaint, dated 22.01.2025, on the allegations of misappropriation by the Chairman of Peravurani Town Panchayat has not been acted upon by the respondent Department. On the side of the official respondents, it is claimed that now they have been granted with the sanction by the Municipal Administration and Water Supply (TP-3) Department, in Letter (2D) No.27, dated 22.03.2025, as required under Section 17A of the Prevention of Corruption Act, and therefore, they have opened a detailed enquiry as against the



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suspected officers of Peravurani Town Panchayat. This third respondent claims that the issue has already been dealt with by this Court in WP(MD) No.16932 & 15386 of 2024, dated 15.10.2024, which was challenged before the Division Bench of this Court in WA(MD) Nos.2362 and 2363 of 2024, wherein an interim order has been granted on 19.11.2024 and the writ appeals are still pending.

10.Perusal of the records shows that WP(MD) No.16932 of 2024 was filed by one G.Senthil Kumar, to take necessary action as against the Chariman of the Peravurani Town Panchayat and other erring officials, as per the report of the Director of Town Panchayat, dated 02.02.2024. WP(MD) No.15386 of 2024 was filed by the Chairman of Peravurani Town Panchayat challenging the so called report of the Director of Town Panchayat, dated 02.02.2024. This Court, while disposing of those writ petitions by a common order, dated 15.10.2024, dismissed the writ petition filed by the Chairman of Peravurani Town Panchayat (Mrs.Shanthi), holding that the enquiry report must culminate into an action and the writ petition filed by Senthil Kumar was disposed of with a direction to the



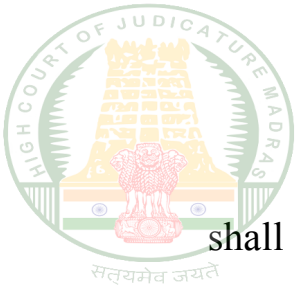
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Secretary, Municipal Administration and Water Supply Department

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to take action as against the Chairman of Peravurani Town Panchayat (Mrs.Shanthi) after notice and in accordance with law. As against the common order of the learned single judge in WP(MD) No.15386 & 16932 of 2024, dated 15.10.2024, writ appeals in WA(MD) No.2362 & 2363 of 2024 were filed before the Division Bench of this Court, wherein, the Division Bench of this Court has entertained the writ appeals and passed an interim order on 19.11.2024. The interim order is meant for the disciplinary proceedings, which was initiated as against the Chairman and the Executive Officer of Peravurani Town Panchayat and it does not prevent the investigating agency to find out the truth as to whether any misappropriation has been committed by the officials of Peravurani Town Panchayat.

11.In view of the above, this writ petition is disposed of with a direction to the respondent/Vigilance Department to proceed with a detailed enquiry, in accordance with law and if any misappropriation/malpractice is found, the respondent Department

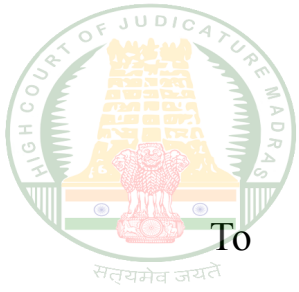


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shall take appropriate action as against the erring officials. The entire exercise shall be completed within a period of six months from the date of receipt of a copy of this order. No costs.

28.04.2025

NCC :Yes/No
Index :Yes
Internet:Yes
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To

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B.PUGALENDHI, J.

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Order made in
W.P(MD)No.3715 of 2025

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