

WP.(MD)No.21023 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

RESERVED ON : 28.04.2025

PRONOUNCED ON : 09.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

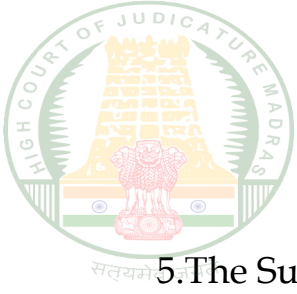
WP(MD)No.21023 of 2024

Malar Selvi

: Petitioner

Vs.

- 1.The Director,
Directorate of Vigilance and Anti Corruption (DVAC),
No.293, MKN Road,
Alandur,
Chennai – 600 016.
- 2.The Superintendent of Police,
Southern Range,
Vigilance and Anti Corruption,
Chennai – 600 016.
- 3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
1/165G, Alagar Kovil Main Road,
Madurai – 625 002.
- 4.The Tahsildar,
O/o.Tahsildar,
Peraiyur, Madurai District.



WP.(MD)No.21023 of 2024

5.The Sub Registrar,
Elumalai,
Madurai District.

6.The Revenue Inspector,
Athikaripatti Village,
Peraiyur Block,
Madurai District.

7.The Village Administrative Officer,
O/o.Village Administrative Officer,
Athikaripatti Village,
Peraiyur Block,
Madurai District.

8.Gurusamy,
Village Administrative Officer,
O/o.Village Administrative Officer,
Athikaripatti Village,
Peraiyur Block,
Madurai District.

9.The District Collector,
Madurai.

10.The Commissioner,
Tamil Nadu Vigilance Commission,
Chennai.

: Respondents

[R.9 *suo-motu* impleaded vide order dated 21.10.2024]

[R.10 *suo-motu* impleaded vide order dated 19.03.2025]



WP.(MD)No.21023 of 2024

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

directing the respondents 1 to 3 to conduct proper enquiry upon the petitioner's complaint dated 06.07.2024 and take appropriate action against the respondents 4 to 8 within a stipulated time limit.

For Petitioner : Mr.S.Vanchinathan

For Respondents: Mr.T.Senthil Kumar
Additional Public Prosecutor
for R.1 to R.3

Mr.P.T.Thiraviam,
Government Advocate
for R.4 to R.7, R.9, R.10

ORDER

The petitioner is a widow. Her husband passed away in the year 2022. She claims inheritance rights over certain properties of her deceased father-in-law, one Periyasamy Thevar, who died in 1991. According to her, Periyasamy Thevar had inherited properties from his brother, Ramasamy Thevar, who died in 1971 without legal heirs. The petitioner alleges that several properties situated in Athikaraipatti Village, Elumalai, Usilampatti Taluk, Madurai District, originally belonged to Periyasamy Thevar,



WP.(MD)No.21023 of 2024

including lands in Survey Nos. 81/1B1 and 81/1B2. Portions of these lands had been settled in favour of one Payir Mohan by a registered gift deed as early as 1988.

2. After her husband's death, while working in Tiruppur, the petitioner was informed by her relatives that certain ancestral properties were fraudulently alienated by forging pattas and suppressing earlier registered documents. She alleges that one Thillaiambala Natarajan, with the connivance of respondents 4 to 7, orchestrated the fraudulent transactions. She was allegedly advised by the officials to establish her case after obtaining legal heir certificate and patta transfers and for making arrangements, a sum of Rs.2,00,000/- was demanded. The petitioner paid the demanded amount in multiple installments and the last payment of Rs.45,000/- was paid via G-pay to Sridevi, the wife of the Village Administrative Officer.

3. Despite such payments, further demands were made. Therefore, the petitioner has lodged a complaint dated 06.07.2024 before the



WP.(MD)No.21023 of 2024

respondents 1 to 3. As no action was taken, she filed this writ petition seeking a mandamus for proper investigation and action against respondents 4 to 8.

4. Learned Counsel for the petitioner demonstrated how the patta was applied for in the name of one Selvi on 16.05.2023, processed with lightning speed, and granted the very next day. Thereafter, a sale deed was made on 19.05.2023, and within a day, the patta stood transferred to the subsequent purchaser, Thillaiambala Natarajan. These acts occurred despite prior registered documents in favour of other parties and the existence of multiple legal heirs.

5. In support of her plea, the petitioner relied upon the judgment in *Lalita Kumari v. State of Uttar Pradesh* [(2014) 2 SCC 1], to submit that bribery being a cognizable offence, an FIR must be registered upon receiving such a complaint. However, the Vigilance Department has forwarded the complaint to the District Collector, without taking any action.



WP.(MD)No.21023 of 2024

WEB COPY

6. This Court, finding *prima facie* seriousness in the complaint, *suo-motu* impleaded the District Collector, Madurai and also called upon the learned Additional Public Prosecutor for the Vigilance Department to explain the inaction.

7. Learned Additional Public Prosecutor submitted that under Section 17-A of the Prevention of Corruption Act, prior approval is required for inquiry or investigation against public servants and that the complaint of the petitioner was forwarded to the District Collector in accordance with G.O.Ms.No.173, Personnel and Administrative Reforms Department, dated 19.12.2018, and para 10(3) of the Vigilance Manual.

8. However, perusal of the communication dated 01.08.2024 addressed by the Superintendent of Police, Southern Range, Vigilance and Anti Corruption to the District Collector, Madurai, forwarding the petitioner's complaint, does not speak about any prior approval. The contents of the communication dated 01.08.2024 are extracted as under:-



WEB COPY



WP.(MD)No.21023 of 2024

“3. The allegations mentioned in the petition are:-

i) General in nature and requires verification of documents by the concerned department.

ii) The Collector, Madurai District is the competent authority to look into and act upon such petition.

4. Hence, the petition in original is sent herewith, for necessary action at your end.

5. This Directorate has not caused any enquiry into the contents of the above petition.”

9. Not satisfied with the explanation offered by the learned Additional Public Prosecutor and considering the nature of the grievance raised, this Court *suo-motu* impleaded the Vigilance Commissioner, Tamil Nadu, as an additional respondent to this writ petition. The impleadment was not merely to ascertain whether the Department had acted in accordance with law upon receiving the petitioner's complaint, but also to obtain a clearer picture of the Department's functioning, including the systemic constraints faced by it, the pattern and volume of complaints handled over the past five years, the number of FIRs registered, prosecutions initiated, and other relevant operational details.



WP.(MD)No.21023 of 2024

WEB COPY

10. Pursuant to the impleadment, the Vigilance Commissioner filed a response stating that the petitioner's complaint lacked material particulars and that it did not enclose any supporting documents such as transaction statements or recordings. It was further explained that, owing to constraints in manpower, it was practically not feasible for the Department to individually process and verify every complaint received. Therefore, the complaint was forwarded to the District Collector as per the procedure contemplated under para 10(3) of the Vigilance Manual and G.O.Ms.No. 173, Personnel & Administrative Reforms Department, dated 19.12.2018.

11. On behalf of the Director of Vigilance and Anti Corruption, the Additional Superintendent of Police has filed a counter affidavit as to the number of complaints received and processed for the past five years and the staff strength of the Department.

12. Heard the learned Counsel appearing for the respective parties and perused the materials placed on record.



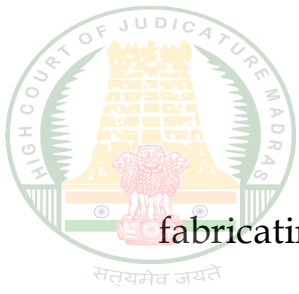
WP.(MD)No.21023 of 2024

WEB COPY

13. Pending the writ petition, it is submitted that after the Court's direction, an enquiry was ordered through the Tahsildar, Peraiyur, by the District Collector, Madurai. Based on the report, the seventh respondent / Village Administrative Officer was placed under suspension and disciplinary proceedings under Rule 17(b) of the Tamil Nadu Civil Services (D&A) Rules were initiated.

14. The Revenue Divisional Officer, Usilampatti, also informed the Inspector of Police, Vigilance and Anti Corruption, Madurai, that departmental proceedings were initiated against the Village Administrative Officer and that formal permission was granted to proceed with the investigation.

15. The petitioner's grievance is that certain revenue officials, in collusion with private individuals, orchestrated fraudulent patta transfers over her ancestral lands to which she claims inheritance rights. She asserts that this was achieved by suppressing prior registered documents and by



WP.(MD)No.21023 of 2024

fabricating revenue records. To regularize her claim, she was made to believe that patta transfer and legal heir certification were mandatory prerequisites and was coerced into paying a bribe of Rs2,00,000/- including Rs.45,000/- via G-Pay to the VAO's wife. Despite these payments, no official action was taken in her favour. Her complaint to the Vigilance Department, highlighting these facts with enclosures, allegedly met with no effective response. On the other hand, the Vigilance Department disputed that the complaint does not include / contain any other material particulars.

16. It maybe true that the complaint submitted by the petitioner did not enclose any supporting materials such as transaction proofs or documents, and was based solely on the narration of events and allegations. However, given the nature of the allegations, including specific reference to digital payments through G-pay, the Vigilance Department ought to have proactively summoned the petitioner to elicit material particulars. A mere absence of enclosures cannot be a justification for administrative inaction when the complaint itself discloses a cognizable

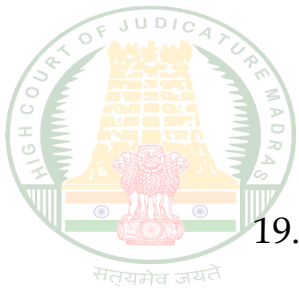


WP.(MD)No.21023 of 2024

WEB OFFICE. When the complainant has named officials, mentioned dates, and alleged payment of bribes through traceable means, the obligation is on the Department to initiate verification and gather corroborative evidence. The failure to do so, and the mechanical forwarding of the complaint to the District Collector, reflects abdication of the investigative mandate.

17. The complaint clearly alleged demand and receipt of bribe. Even in the absence of any petition pending with the Revenue Department, demand and acceptance of illegal gratification by a public servant is actionable and constitutes a cognizable offence. Therefore, this Court is of the view that the explanation offered by the Vigilance Department is perfunctory and mechanical.

18. The purpose of the Vigilance and Anti-Corruption Department is not to function as a post office. The Department was constituted in 1964 to function as a specialised investigative agency with the mandate to combat corruption and gather intelligence across Departments. Every complaint cannot be brushed aside merely because documents are not enclosed.



WP.(MD)No.21023 of 2024

19. As per the Vigilance Manual, the Department has the power to discreetly verify facts, access records, and even conduct searches. Even if a preliminary enquiry is contemplated, its scope is limited to ascertain whether the complaint reveals a cognizable offence, not to establish the truth or admissibility of evidence.

20. The defence of Section 17-A of the Prevention of Corruption Act cannot be stretched to provide blanket protection. It applies only where the alleged act is integrally connected to an official recommendation or decision. It is not a licence to demand bribe. This position has been repeatedly affirmed in more than one decisions, including *WP(C)No.12672 of 2021, dated 23.07.2021* (Kerala High Court); *Dr. Subramanian Swamy v. Dr. Manmohan Singh* [AIR 2012 SC 1185]; *State of Karnataka v. T.N. Sudhakar Reddy* [2025 INSC 229], and *Pradeep Nirankarnath Sharma v. State of Gujarat and Others* [2025 INSC 350].

21. The Court also notes that the patta mentioned in the complaint appears to have been transferred in a highly suspicious and expedited

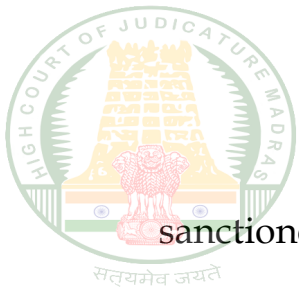


WP.(MD)No.21023 of 2024

manner. While action has been initiated against the Village Administrative Officer, the sequence of patta transfers, their timing, approvals, and subsequent transactions, requires independent and detailed scrutiny. Let the Village Administrative Officer alone not be made a scapegoat. The entire chain of transactions and officials involved in these patta transfers must be reviewed thoroughly.

22. The strength and effectiveness of the Vigilance Department is crucial in preventing corruption. This Court is informed that while the sanctioned strength is 611 Officers / Officials, only 541 are currently working, and the Department is expected to oversee more than 16.93 lakh Government servants across the State. Approximately 15,000 complaints are received annually. It is obvious that the current manpower and infrastructure are grossly inadequate to address the scale and complexity of corruption.

23. It is imperative that the Government takes urgent steps to strengthen the Vigilance and Anti-Corruption Department, increase its



WP.(MD)No.21023 of 2024

sanctioned strength, and ensure it functions independently with resources to match its mandate. Combating corruption is not an optional policy, it is a constitutional imperative.

24. In view of the foregoing, this Court directs as under:-

(i) The second respondent is directed to register an FIR based on the petitioner's complaint dated 06.07.2024, if the same discloses a cognizable offence, and to proceed with the investigation in accordance with law, uninfluenced by the pendency of any departmental proceedings.

(ii) The District Collector, Madurai, shall ensure that the pattas mentioned in the complaint and connected transactions are re-examined independently by an Officer not connected with the earlier enquiry. Necessary action has to be taken as against all the erring officials.

(iii) The Government of Tamil Nadu is expected to take immediate steps to strengthen the Vigilance and Anti-Corruption Department, by reviewing and enhancing its sanctioned strength



WP.(MD)No.21023 of 2024

and infrastructure, within six months.

WEB COPY

(iv) The petitioner shall cooperate with the investigation and provide any additional evidence in her possession.

Accordingly, this writ petition stands disposed of.

Internet : Yes
gk

09.07.2025

Note:

Mark a copy of this order to
The Chief Secretary,
State of Tamil Nadu,
Secretariat, Chennai.

To

- 1.The Director,
Directorate of Vigilance and Anti Corruption (DVAC),
No.293, MKN Road,
Alandur, Chennai – 600 016.
- 2.The Superintendent of Police,
Southern Range,
Vigilance and Anti Corruption,
Chennai – 600 016.
- 3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
1/165G, Alagar Kovil Main Road,
Madurai – 625 002.



WP.(MD)No.21023 of 2024

WEB COPY

4.The Tahsildar,
O/o.Tahsildar,
Peraiyur, Madurai District.

5.The Sub Registrar,
Elumalai,
Madurai District.

6.The Revenue Inspector,
Athikaripatti Village,
Peraiyur Block,
Madurai District.

7.The Village Administrative Officer,
O/o.Village Administrative Officer,
Athikaripatti Village,
Peraiyur Block,
Madurai District.

8.The District Collector,
Madurai.

9.The Commissioner,
Tamil Nadu Vigilance Commission,
Chennai.



WEB COPY



WP.(MD)No.21023 of 2024

B.PUGALENDHI, J.

gk

WP(MD)No.21023 of 2024

09.07.2025