



W.P.Crl.(MD)Nos.1665 and 1838 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 22.10.2025 & 24.10.2025

Pronounced on : 05.11.2025

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.Crl.(MD)Nos.1665 and 1838 of 2025

and

W.M.P.Crl.(MD)Nos.398 and 435 of 2025

R.Umavathi

... Petitioner in W.P.
Crl.(MD)No.1665
of 2025

1.P.V.Ravichandran

2.R.Umavathi

3.R.Abinesh

4.R.Aravind

5.R.Arulselvan

... Petitioners in W.P.
Crl.(MD)No.1838
of 2025

Vs.

The Inspector of Police,
Special Investigation Cell – II,
Vigilance and Anti-Corruption,
No.293, M.K.N Road, Alandur,
Chennai.

... Respondent in
both the petitions



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Common Prayer : These Writ Petitions filed under Article 226 of Constitution of India, praying to issue a Writ of Certiorari, to call for records in the proceedings passed in Rc.No.95/2023/LB/SIC dated 29.09.2025 and 13.10.2025 by the respondent and quash the same as void-ab-initio, illegal and without jurisdiction.

(in both the petitions)

For Petitioners : Mr.P.Thirumahilmaran

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor

COMMON ORDER

The Writ Petition in W.P.Crl.(MD)No.1665 of 2025 is directed against the notice in RC 95/2023/LB/SIC dated 29.09.2025 issued by the respondent, intimating the inspection of the writ petitioner's residence by the Executive Engineer, PWD, Buildings (C & M) Division, Thanjavur.

2. The Writ Petition in W.P.Crl.(MD)No.1838 of 2025 is directed against the notices in RC 95/2023/LB/SIC dated 13.10.2025 issued by the respondent, intimating the inspection of the properties standing in the name of the writ petitioners by the Executive Engineer, PWD, Buildings (C & M) Division, Thanjavur.



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3. For the sake of convenience and brevity, the writ petitioner(s) in both the writ petitions will be referred to as per their status / ranking in W.P.Crl.(MD)No.1838 of 2025.

4. The second writ petitioner is the wife and the writ petitioners 3 to 5 are the sons of the first writ petitioner.

5. The first writ petitioner is working as an Assistant Engineer at Avadi Municipal Corporation, Chennai. The third writ petitioner is a M-Tech engineer, the fourth writ petitioner is an orthopedic Doctor and the fifth writ petitioner is a practicing advocate, all at Pattukottai.

6. It is not in dispute that the Directorate of Vigilance and Anti-Corruption Headquarters at Chennai registered a case in Crime No.4 of 2023 on 10.05.2023 under Sections 13(2) r/w 13(1)(e) and 13(2) r/w 13(1)(b) of the Prevention of Corruption Act, 1988 as amended in 2018 against the first writ petitioner / first accused and under Section 13(2) r/w 13(1)(e) of the Prevention of Corruption Act, 1988 r/w 109 IPC and under Section 12 r/w 13(2) r/w 13(1)(b) of the Prevention of Corruption Act,



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1988 as amended in 2018 against the writ petitioners 2 to 5 / accused 2 to 5, alleging that during preliminary enquiry, they came to know that the first writ petitioner, formerly Municipal Engineer, Pallavaram Municipality, now working as an Assistant Executive Engineer at Avadi Municipal Corporation, had accumulated assets and pecuniary resources worth about Rs.4,17,96,414/- in his name and in the names of his family members, which were found to be disproportionate to his known sources of income during the check period between 01.01.2013 and 31.12.2019.

7. Pending investigation, the respondent, investigating officer issued the first impugned notice dated 29.09.2025 to the second writ petitioner requesting her to be present at her residence on 08.10.2025 at 10.00 hours as the Executive Engineer, PWD, Buildings (C & M) Division, Thanjavur has scheduled an inspection of the buildings at her residence No.179, Kandiyar Street, Maniyarpuram, Pattukottai, Thanjavur District, for evaluation. Challenging the said impugned notice, the second writ petitioner filed a writ petition in W.P.Crl.(MD)No.1665 of 2025. Thereafter, the respondent issued five notices in favour of the writ petitioners dated 13.10.2025 requesting them to be present at the places



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listed therein as the Executive Engineer, PWD, Buildings (C & M) Division, Thanjavur and Executive Engineer, PWD, Electrical Division, Thanjavur, have scheduled an inspection of the said properties, for evaluation on 23.10.2025 at 10.00 hours. In the impugned notices dated 13.10.2025, the respondent has listed out the following 9 evaluation places;

“1. A Land with building having 14 shops in door No.217/1 to 217/14 situated at Railway station road, Nadiyambalpuram village, Pattukottai Town Survey No. 225/1 Tanjavur District measuring to an extent of 1536.6 Sq.ft.

2. The building in the 1st floor and 14 rooms in door no.217-15 situated at Railway station road, Nadiyambalpuram village, Pattukottai Town Survey No. 225/1 in Tanjavur District measuring to an extent of 1536.6 Sq.ft.

3. The building in 2nd floor (15 rooms) in door No. 217-15, Railway station road, Nadiyambalpuram village, Pattukottai Town Survey No.225/1 in Tanjavur District measuring to an extent of 1536.6 Sq.ft.

4. The Bore well and Power supply house of the building at door No.217-15, Railway station road, Nadiyambalpuram village, Pattukottai Town Survey No. 225/1 in Tanjavur District.



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5. *The Land with old house situated at kailasanathapuram village, Kandiyam street, Maniyarpuram, survey No.8/13A in Tanjore District measuring to an extent of 720 sq.ft.*

6. *The land with old house situated at Kailasanathapuram Village, Kandiyam street, Maniyarpuram, Pattukottai in Survey No. 8/13A Tanjavur District measuring to the extent of 2206.5(944+1161+101.5) Sq.ft.*

7. *The Land with old house situated at Kailasanathapuram Village, Kandiyam street, Maniyarpuram, Pattukottai Survey No.8/13A in Tanjavur District measuring to the extent of 2204.25 (1088+1015.25+101) Sq.ft.*

8. *The Double storied house situated at Vadachery road, Pattukottai Town Pattukottai Survey No.86C/4 in Tanjavur District measuring to the extent of 1156.7 Sq.ft.*

9. *The Land and Building situated at Naadiyampalpuram village, Railway Station Road, (Bus stand to School Road) Pattukottai Survey No.225/1 Tanjavur District measuring to the extent of 2670.5 Sq.ft.”*

8. Challenging the said impugned notices, the writ petitioners have filed the second writ petition in W.P.Crl.(MD)No.1838 of 2025.



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9. Heard Mr.P.Thirumahilmaran, learned counsel appearing for the writ petitioners and Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the respondent.

10. The learned counsel appearing for the writ petitioners challenged the impugned notices mainly on the following twin grounds;

1. *As per Section 17 of the Prevention of Corruption Act, a Deputy Superintendent of Police or a police officer of equivalent rank alone is empowered to investigate any offence punishable under the Prevention of Corruption Act, but in the case on hand, investigation is being conducted by the officer in the rank of Inspector of Police, who is having no jurisdiction and that the investigation including the issuance of the impugned notices stand vitiated.*
2. *Under Section 17A of the Prevention of Corruption Act, no police officer shall conduct any enquiry or inquiry or investigation into any offence alleged to have been committed by a public servant under the Prevention of Corruption Act, without the previous approval from the Government or the concerned Department. In the present case, admittedly, previous approval was not obtained and as such, the very registration of the FIR and the consequent investigation are without jurisdiction and are void-ab-initio.*



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11. Before entering into further, it is necessary to refer Section 17 of the Prevention of Corruption Act;

“17. Persons authorised to investigate.— Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), no police officer below the rank,—

(a) in the case of the Delhi Special Police Establishment, of an Inspector of Police;

(b) in the metropolitan areas of Bombay, Calcutta, Madras and Ahmedabad and in any other metropolitan area notified as such under sub-section (1) of section 8 of the Code of Criminal Procedure, 1973 (2 of 1974), of an Assistant Commissioner of Police;

(c) elsewhere, of a Deputy Superintendent of Police or a police officer of equivalent rank,

shall investigate any offence punishable under this Act without the order of a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make any arrest therefor without a warrant:

Provided that if a police officer not below the rank of an Inspector of Police is authorised by the State Government in this behalf by general or special order, he may also investigate any such offence without the order of



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a Metropolitan Magistrate or a Magistrate of the first class, as the case may be, or make arrest therefor without a warrant:

Provided further that an offence referred to in 1 [clause (b) of sub-section (1)] of section 13 shall not be investigated without the order of a police officer not below the rank of a Superintendent of Police.”

12. As rightly contended by the learned counsel appearing for the writ petitioners, except the Delhi Special Police Establishment, or in the metropolitan areas of Bombay, Calcutta, Madras and Ahmedabad or any other metropolitan area notified under the Code of Criminal Procedure, in all other places, a Deputy Superintendent of Police or a police officer of equivalent rank alone is empowered to investigate any offence punishable under the Prevention of Corruption Act. But as rightly pointed out by the learned Additional Public Prosecutor, the first proviso assumes importance. As per the first proviso, the State Government by general or special order can authorise any police officer not below the rank of an Inspector of Police to investigate any offence under the Prevention of Corruption Act.



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13. The learned Additional Public Prosecutor appearing for the respondent would rely on the Government orders issued by the Government of Tamil Nadu in G.O.MS.No.269, Personnel and Administrative Reforms (Personnel-N) Department, dated 04.06.1990 and G.O.(Ms.)No.79, Human Resources Management (N) Department, dated 23.08.2023. In the first Government order in G.O.MS.No.269, the Government of Tamil Nadu has notified,

“Under the first proviso to Section 17 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988), the Governor of Tamil Nadu hereby authorises the Inspectors of Police of the Directorate of Vigilance and Anti-Corruption, Madras, to exercise the powers of investigation and arrest specified in the said proviso, but excluding the power to arrest without a warrant, any officer belonging to Groups-'A' and 'B', in the pay scale, the maximum of which is above Rs.3,500/-.”

14. In the second Government order in G.O.(Ms.)No.79, it has been notified,

“Under the first proviso to section 17 of the Prevention of Corruption Act, 1988 (Central Act 49 of 1988) and in supersession of the Personnel and



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Administrative Reforms Department Notification No.II(2)/ PLAR/989/2018 published at pages 1046-1047 of Part II – Section 2 of the Tamil Nadu Government Gazette, dated the 21st November 2018, the Governor of Tamil Nadu hereby authorizes the Inspectors of Police to the Directorate of Vigilance and Anti-Corruption, Chennai, to exercise the powers of investigation and arrest specified in the said proviso, but excluding the power to arrest without a warrant, any officer belonging to Groups 'A' and 'B' with the equal pay or higher pay.”

15. Considering the above, it is very much clear that the Government of Tamil Nadu by the said Government orders authorised the Inspectors of Police of the Directorate of Vigilance and Anti-Corruption for conducting investigation of the offence under the Prevention of Corruption Act. Hence, the first contention of the learned counsel appearing for the writ petitioners, which is devoid of substance, is liable to be rejected.

16. The learned counsel appearing for the writ petitioners would submit that the Statute has given protection to the public servant under Section 17A of the Prevention of Corruption Act and the intention of the



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said provision is to protect the public servant from arbitrary and *malafide* investigation against them, that the police officer cannot initiate corruption charges against the public servants without any prior approval and that in order to protect from malicious criminal proceedings as against the public servant, Section 17A of the Prevention of Corruption Act was introduced through the Prevention of Corruption (Amendment) Act, 2018 vide Act 16 of 2018 dated 26.07.2018.

17. The learned counsel appearing for the writ petitioners would further submit that when Section 17A of the Prevention of Corruption Act was in force, the present FIR in Crime No.4 of 2023 came to be registered on 10.05.2023 and since the FIR was registered without obtaining any prior approval from the concerned authority, the very registration of FIR is illegal and no police officer can proceed with any enquiry or inquiry or investigation of the offences alleged to have been committed by the public servant under the Prevention of Corruption Act.

18. The learned counsel appearing for the writ petitioners would further contend that the first proviso is very clear that prior approval is not



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necessary for cases involving the arrest of a person on the spot on a charge of attempting to accept any undue advantage for himself or for any other person, and that therefore, it is implied that for other public servants charged with offences under the Prevention of Corruption Act, prior approval under Section 17A is mandatory.

19. The learned Additional Public Prosecutor appearing for the respondent would submit that Section 17A of the Prevention of Corruption Act was inserted by the 2018 Amendment with a specific and limited purpose to protect honest public servants from vexatious inquiries arising purely out of *bona fide* administrative reviews, and not to confer immunity upon public servant involved in corrupt acts or abuse of office for personal gain. He would further submit that prior approval under Section 17A of the Prevention of Corruption Act is necessary only for the offences relatable to any recommendation made or decision taken by a public servant in discharge of his official duties and that for misconducts or for abusing their official position for personal gain or amassing wealth disproportionate to their income, prior approval under Section 17A of the Prevention of Corruption Act is not at all necessary.



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20. The learned counsel appearing for the writ petitioners would mainly rely on a three-judges bench decision of the Hon'ble Supreme Court in ***Yashwant Sinha and others Vs. Central Bureau of Investigation through its Director and another*** reported in **2020 2 SCC 338** and contend that unless there is previous approval, there could be neither inquiry or enquiry or investigation under the Prevention of Corruption Act and the passages referred by the learned counsel appearing for the writ petitioners are extracted hereunder:-

“84. In terms of Section 17A, no Police Officer is permitted to conduct any enquiry or inquiry or conduct investigation into any offence done by a public servant where the offence alleged is relatable to any recommendation made or decision taken by the public servant in discharge of his public functions without previous approval, inter alia, of the authority competent to remove the public servant from his Office at the time when the offence was alleged to have been committed. In respect of the public servant, who is involved in this case, it is clause (c), which is applicable. Unless, therefore, there is previous approval, there could be neither inquiry or enquiry or investigation. It is in this context apposite to notice that the complaint, which has been filed by the petitioners in Writ Petition (Criminal) No. 298 of 2018,



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moved before the first respondent-CBI, is done after Section 17A was inserted. The complaint is dated 04.10.2018. Paragraph 5 sets out the relief which is sought in the complaint which is to register an FIR under various provisions. Paragraphs 6 and 7 of the complaint are relevant in the context of Section 17A, which reads as follows:

“6. We are also aware that recently, Section 17(A) of the act has been brought in by way of an amendment to introduce the requirement of prior permission of the government for investigation or inquiry under the Prevention of Corruption Act.

7. We are also aware that this will place you in the peculiar situation, of having to ask the accused himself, for permission to investigate a case against him. We realise that your hands are tied in this matter, but we request you to at least take the first step, of seeking permission of the government under Section 17(A) of the Prevention of Corruption Act for investigating this offence and under which, “the concerned authority shall convey its decision under this section within a period of three months, which may, for reasons to be recorded in writing by such authority, be extended by a further period of one month”. ”



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85. *Therefore, petitioners have filed the complaint fully knowing that Section 17A constituted a bar to any inquiry or enquiry or investigation unless there was previous approval. In fact, a request is made to at least take the first step of seeking permission under Section 17A of the 2018 Act. Writ Petition (Criminal) No. 298 of 2018 was filed on 24.10.2018 and the complaint is based on non-registration of the FIR. There is no challenge to Section 17A. Under the law, as it stood, both on the date of filing the petition and even as of today, Section 17A continues to be on the Statute Book and it constitutes a bar to any inquiry or enquiry or investigation. The petitioners themselves, in the complaint, request to seek approval in terms of Section 17A but when it comes to the relief sought in the Writ Petition, there was no relief claimed in this behalf.*

86. *Even proceeding on the basis that on petitioners complaint, an FIR must be registered as it purports to disclose cognizable offences and the Court must so direct, will it not be a futile exercise having regard to Section 17A. I am, therefore, of the view that though otherwise the petitioners in Writ Petition (Criminal) No. 298 of 2018 may have made out a case, having regard to the law actually laid down in Lalita Kumari (supra), and more importantly, Section 17A of the Prevention of Corruption*



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Act, in a Review Petition, the petitioners cannot succeed.

However, it is my view that the judgment sought to be reviewed, would not stand in the way of the first respondent in Writ Petition (Criminal) No. 298 of 2018 from taking action on Exhibit P1-complaint in accordance with law and subject to first respondent obtaining previous approval under Section 17A of the Prevention of Corruption Act.”

21. The learned counsel appearing for the writ petitioners would also rely on two decisions of Rajasthan High Court, one in ***Ranidan Singh Vs. State of Rajasthan through PP and others*** reported in **2024 0 Supreme(Raj) 1025** and second in ***Himanshu Yadav Vs. State of Rajasthan, Rural Development and Panchayati Department (Panchayati Raj), Secretariat Jaipur and others*** reported in **2022 0 Supreme(Raj) 262**. In both cases, FIR came to be registered against the public servant for demanding and accepting illegal gratification and the High Court, observing that the allegation of demanding illegal gratification relates to the discharge of official duties of the petitioners therein, held that prior approval under Section 17A is mandatory. In both decisions, the High Court specifically held that the embargo under Section 17A of Prevention



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of Corruption Act operates wherever the alleged offence is claimed to have been committed in connection with the discharge of official duties. But as rightly contended by the learned Additional Public Prosecutor, this Court is hesitant to accept whether demanding and receiving a bribe can be considered as an act connected with discharge of official duty.

22. The learned counsel appearing for the writ petitioners would cite two decisions of the Hon'ble Supreme Court, one in ***B.S Yeddiyurappa Vs. A Alam Pasha and others*** reported in ***2025 LiveLaw (SC) 450*** and second in ***Nara Chandrababu Naidu Vs. The State of Andhra Pradesh and another*** in ***Special Leave to Appeal (Criminal) No.12289 of 2023 dated 16.01.2024***, wherein, two-judges bench of the Hon'ble Supreme Court referred the issue to a Larger Bench as to whether the provision under Section 17A of the Prevention of Corruption Act has retrospective effect.

23. As rightly contended by the learned Additional Public Prosecutor, a Division Bench of the Hon'ble Supreme Court in ***State of Rajasthan Vs. Tejmal Choudhary*** reported in ***2022 LiveLaw (SC) 158*** has specifically held that Section 17A of the Prevention of Corruption Act,



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which was incorporated by an amendment to the Prevention of Corruption Act does not have retrospective operation. But in the case on hand, as already pointed out, the check period was between 01.01.2013 and 31.12.2019 and FIR came to be registered on 10.05.2023. The issue whether the amended provisions under the 2018 Amendment Act are retrospective or prospective in operation has nothing to do with the present case.

24. The learned Additional Public Prosecutor appearing for the respondent would mainly contend that Section 17A of the Prevention of Corruption Act is specifically confined to any recommendation made or decision taken by public servant and relied on some decisions in support of his argument.

25. At the outset, it is necessary to refer the decision of Kerala High Court in ***Shankara Bhat Vs. State of Kerala*** reported in ***2021 (5) KHC 248***, wherein, it was observed,

“22. The object of the Prevention of Corruption Act is to protect honest and upright public officers and to ensure that they are unnecessarily not dragged into



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litigation. It is also intended to ensure that the officers are insulated and protected against unnecessary litigation. Such a protection enable the officers to take prompt and bold decisions on files and the administrative machinery will move forward. Otherwise the officers would be reluctant to make any official recommendation or to take any decision on files, apprehending false accusation of corruption. In this context, it has to be noted that scope of Section 17A is specifically confined to "any recommendation made or decision taken by public servant" which alone falls within the protection under Section 17A. Definitely, the case of offences like misappropriation of funds, fraud, falsification of accounts, criminal breach of trust, conspiracy, etc. cannot be covered by the protection under Section 17A. Definitely, they do not involve any decision or recommendation at all. Such acts cannot be considered as one done in discharge of his official functions and duties as contemplated under Section 17A. Hence, it cannot, by any stretch of imagination, be held that investigation into any of the offences as mentioned above also needs prior approval, under Section 17A. Such an interpretation alone can be in consonance with the section as interpreted by the various decisions. In other words, the scope of Section 17A is only confined to investigation, inquiry or enquiry into any offence which is relatable to any decision taken or



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recommendation made by the authority. This purposive interpretation seems to be in consonance with the scope of Section 17A.”

26. The learned Additional Public Prosecutor appearing for the respondent would rely on a decision of the Division Bench of this Court in ***Dhandapani Vs. The Vigilance Commissioner, Tamil Nadu Vigilance Commission, Chennai and others*** in ***W.A.(MD)No.903 of 2021 dated 30.04.2021***, wherein, the appellant therein was charged for holding disproportionate assets and this Court has held as follows;

“10. The learned Single Judge of this Court has referred to the decisions of the Delhi High Court and Chhattisgarh High Court reported in 2019 (1) Crimes (HC) 726 (Devender Kumar Vs. CBI and (2020) 0 Supreme (CHH) 149, Sathish Pandey Vs. Union of India, has specifically held that Section 17(A) of Prevention of Corruption Act cannot be made applicable to those cases where the act of the public servant that amounts to an offence, appears on the face of it lacking in good faith. Considering the above provision and the above decision, it is cleat that Section 17 (A) has been inserted only to give protection to the honest officers, but when the act of a public servant amounts to or constitutes an offence by



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itself, prior sanction or approval from the Government would not be necessary. Viewing from this angle also, I hold that Section 17 (A) of Prevention of Corruption Act has no application to the case on hand. As already pointed out, since FIR has already been registered and is pending investigation, the relief sought for by the petitioner has become infructuous.

11. In the case of Ranjib Ranjan Vs. R.Vijayakumar, reported in 2015(1)SSC 513, the Apex Court held that in paragraph No.18, “while discharging his official duties, if a public servant enters into a criminal conspiracy or indulges criminal misconduct such misdemeanour on his part is not to be treated as an act in discharging of his official duties”.

12. In the case on hand, the First Information Report was registered against the appellant for disproportionate assets and investigation is pending. Therefore, Section 17(A) of Prevention of Corruption Act, is not applicable to the appellant. The learned Single Judge of this Court has rightly observed this point. The appellant/writ petitioner has to face the criminal case. This Court has no valid reason to interfere with the findings of the Writ Court.”



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27. The learned Additional Public Prosecutor would rely on a decision of Kerala High Court in ***M.R.Simon Vs. State of Kerala and another*** reported in ***2024 SCC Online Ker 7255***, wherein, it was held that in a case where the offence alleged is one of amassing disproportionate assets or intentional enrichment by a public servant illicitly during the period of his office coming under Section 13(1)(e) (old) or Section 13(1)(b) (new) of the PC Act, no previous approval from the competent authority is required for the police to conduct an enquiry, inquiry, or investigation and such an offence is not precisely relatable to a recommendation made or a decision taken by such public servant.

28. It is necessary to refer a decision of Karnataka High Court in the case of ***T.N.Bettaswamaiah Vs. State of Karnataka*** in ***W.P.No.29176 of 2019 dated 20.12.2019***, relied on by the learned Additional Public Prosecutor, wherein, the High Court has observed,

“24. Petitioner’s challenge to Section 17A must fail on yet another ground. The said provision is applicable where the alleged offence is relatable to ‘any recommendation made’ or a ‘decision taken’ by a Public Servant in discharge of his official duties. In this case prosecution’s charge is, income in excess of legitimate



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source during the check period. The same is not directly relatable to any 'recommendation made' or a 'decision taken'. Therefore, the excess income cannot be attributed to one particular 'recommendation made' or 'decision taken'. Hence, petitioner shall not be entitled for protection under Section 17A."

29. Considering the above, the legal position is well settled that previous approval of the competent authority is necessary for enquiry, inquiry or investigation in respect of offences that have direct nexus with a recommendation made or decision taken by a public servant in discharge of his official functions or duties. To invoke Section 17A of the Prevention of Corruption Act, it must be shown that a recommendation made or decision taken by the public servant in discharging his official function or duty is under challenge. The very purpose of introducing Section 17A of the Prevention of Corruption Act is to protect an honest and responsible public servant when the recommendation made or decision taken by him is in discharge of his official functions or duties, and nobody can seek blanket protection. An offence of acquiring disproportionate assets or intentional enrichment by a public servant illicitly during the period of his office falls within criminal misconduct under Section 13(1)(e) or 13(1)(b)



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of the Prevention of Corruption Act, and by no stretch of imagination, can such offence be considered as one contemplated under Section 17A of the Prevention of Corruption Act.

30. Now turning to the decision in *Yashwant Sinha's* case referred supra, wherein, an inter-governmental agreement entered into between India and France relating to rafale deal of purchase of fighter aircrafts for Government of India was challenged. As rightly contended by the learned Additional Public Prosecutor, in the said rafale matter, the Hon'ble Supreme Court was dealing with a purely governmental policy decision involving strategic procurement of fighter aircrafts for Government of India and the allegations pertained to a change in policy and commercial terms relating to a defence acquisition and the Hon'ble Apex Court has held that when a decision taken by high level authorities involving economic or strategic policy choices, criminal process cannot lightly be invoked without prior sanction under Section 17A of the Prevention of Corruption Act. Moreover, as rightly pointed out by the learned Additional Public Prosecutor, in the said decision, in the complaint itself, they have averred that they were aware of the recently introduced Section 17A in the



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Prevention of Corruption Act and claimed that the concerned authority may be directed to take necessary steps for seeking permission of the Government under Section 17A of the Prevention of Corruption Act for investigating the offence complained of. The Hon'ble Supreme Court, by referring to the complaint averments, has observed that the petitioners have filed the complaint fully knowing that Section 17A constituted a bar to any inquiry or enquiry or investigation unless there was previous approval and in fact, a request was made atleast to take the first step of seeking permission under Section 17A of the 2018 Act and the relevant passage is extracted hereunder:-

“85. Therefore, petitioners have filed the complaint fully knowing that Section 17A constituted a bar to any inquiry or enquiry or investigation unless there was previous approval. In fact, a request is made to at least take the first step of seeking permission under Section 17A of the 2018 Act. Writ Petition (Criminal) No. 298 of 2018 was filed on 24.10.2018 and the complaint is based on non-registration of the FIR. There is no challenge to Section 17A. Under the law, as it stood, both on the date of filing the petition and even as of today, Section 17A continues to be on the Statute Book and it constitutes a bar to any inquiry or enquiry or investigation. The petitioners



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themselves, in the complaint, request to seek approval in terms of Section 17A but when it comes to the relief sought in the Writ Petition, there was no relief claimed in this behalf. ”

31. As rightly contended by the learned Additional Public Prosecutor, the above decision of the Hon'ble Supreme Court made in the review cannot be made applicable to the case on hand.

32. As already pointed out, the main charge against the writ petitioners is that they were in possession of pecuniary resources and properties amounting to Rs.4,17,96,414/- during the check period, which is disproportionate by 112% to their known sources of income. It is alleged that the first writ petitioner committed the offence of criminal misconduct by intentionally enriching himself illicitly during the check period 2013 to 2019 of his service and that the writ petitioners 2 to 5 abetted him in committing the said offence.

33. Considering the above and taking note of the legal position, this Court has no hesitation in holding that prior approval under Section 17A



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of the Prevention of Corruption Act is absolutely not necessary for the case at hand, as the said provision has no application at all.

34. The learned counsel appearing for the writ petitioners would then contend that some of the properties mentioned in the impugned notices stand in the name of family members, which were gifted by relatives and were not purchased during the check period. He would further contend that several properties standing in the name of family members are unconnected to the assets allegedly acquired during the check period.

35. The learned Additional Public Prosecutor appearing for the respondent would submit that the first writ petitioner purchased three adjacent lands with old houses near his residence in the name of his wife and sons and renovated his residence at No.179/C, Kandiyan Street, Maniyarpuram, by combining the newly purchased old houses into a single house during 2018-2019 and to ascertain the expenditure incurred for renovation, it is necessary to evaluate the buildings through the Executive Engineers of the PWD Department and that is why, the



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investigating officer served the first impugned notice dated 29.09.2025 to the second writ petitioner, and subsequently, served the second impugned notices dated 13.10.2025 to the writ petitioners for the evaluation of nine other properties.

36. The learned Additional Public Prosecutor appearing for the respondent would submit that the writ petitioners are attempting to portray the financial acquisition as independent and insulated from scrutiny but these matters fall within the domain of investigation and trial and the same cannot be gone into at this stage.

37. The learned Additional Public Prosecutor would further submit that the present writ petitions challenge the notices issued for the evaluation of the properties concerned, and the limited purpose of such notices is to facilitate proper assessment of assets during the investigation into disproportionate wealth and hence, the writ petitioners cannot be permitted to expand the scope of the enquiry and raise wide-ranging legal and factual contentions, such as ownership of the properties, their connection or disconnection with the check period, and the merits of the



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allegations or evidence. As rightly contended by the learned Additional Public Prosecutor, such matters of defence cannot be considered at this stage, as the investigation is only at the beginning stage. Therefore, the writ petitioners' challenge to the impugned notices is not warranted. Consequently, this Court concludes that the writ petitions are devoid of merit and are liable to be dismissed.

38. In the result, these Writ Petitions are dismissed. Consequently, connected Miscellaneous Petitions are closed. No costs.

05.11.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
csm

To

- 1.The Inspector of Police,
Special Investigation Cell – II,
Vigilance and Anti-Corruption,
No.293, M.K.N Road, Alandur,
Chennai.
- 2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Common Order made in
W.P.Crl.(MD)Nos.1665 and 1838 of 2025
and
W.M.P.Crl.(MD)Nos.398 and 435 of 2025

Dated : 05.11.2025