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W.P.Crl.(MD).No.458 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-01-2026

CORAM

THE HON'BLE MR JUSTICE A.D.JAGADISH CHANDIRA

W.P.Crl.(MD).No.458 of 2026

and

W.P.M.P.CRL.(MD).No. 126 of 2026

G.Manikandan,
S/o.Gurunathan,
3-97B, South Street,
Uthamapandikulam,
Palayamkottai,
Tirunelveli - 627 351.

..Petitioner(s)

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 (DVAC),
Tirunelveli.
4. M.Abdul Wahab,
S/o.Mohammad Hanifa,
Member of Legislation,
Palayamkottai Constituency,
No. 28A/79, MGP Sannathee Street,
Pettai, Tirunelveli -4.



5. Ramakrishnan @ Kittu
Mayor,
Tirunelveli Corporation,
Tirunelveli.

6. N.O.Sugaputhra,
Commissioner,
Tirunelveli Corporation,
Tirunelveli.

..Respondent(s)

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus, call for the records pertaining to the impugned order passed by the 2nd respondent in his proceedings dated 13.11.2025 and quash the same as illegal, consequently directing the respondents to re-do the exercise of factual verification by affording the petitioner with a reasonable opportunity of being heard.

For petitioner : Mr.R.L.Dhilipan Pandian
for Ms.R.Sangeetha

For respondent : Mr.K.M.D. Muhilan
Additional Public Prosecutor
for R1 to R3

ORDER

This writ petition has been filed calling into question the legality and validity of the proceedings of the 2nd respondent dated 13.11.2025 and to direct the respondents to re-do the exercise of factual verification by affording the petitioner a reasonable opportunity of being heard.



2. This is the third round of litigation. The facts leading to the filing of this writ petition (criminal), as culled out from the affidavit, are as under:

2.1 The fourth respondent, who is a Member of the Legislative Assembly, purchased lands totally measuring about 3 acres and 81 cents in S.Nos.586/1B and 583/2B at Gandhi Nagar, Palayamkottai, sans mandatory approval from competent authorities, including the Director of Town and Country Planning and the Local Planning Authority, thereby evading payment of taxes and statutory charges payable to Tirunelveli Corporation and eventually, sold the plots to the general public.

2.2 Further, with an intent to enhance the guideline and market values of the said properties, the petitioner, in collusion with the fifth respondent, who is the Mayor of Tirunelveli Corporation, ensured laying of underground sewerage and drinking water pipelines over a stretch of 500 metres through the said properties, flouting the norms.

2.3 These two acts, viz., purchase of plots and laying of sewerage and drinking water pipelines, according to the petitioner, were done in collusion with the sixth respondent who is the Commissioner of the Corporation.

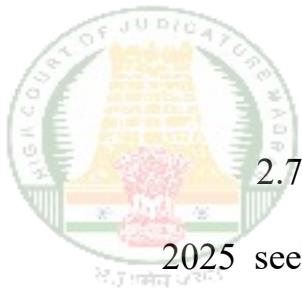


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2.4 Stating that the aforesaid acts of the petitioner in collusion with the respondents 4 to 6 constitute serious and grievous offences, the petitioner addressed a representation dated 16.01.2025 to the official respondents, in response to which, it was replied by the second respondent on 11.03.2025 and 09.06.2025 that the matter had been forwarded to the Secretary to Government, Public (SC) Department, Secretariat, Chennai 600 009, for necessary action.

2.5 However, since there was no action forthcoming, the petitioner filed a writ petition in W.P. (Crl.) (MD) No.380 of 2025 seeking a direction to the Director of Vigilance and Anti-Corruption to consider his representations dated 16.01.2025 and 11.06.2025 and consequently, register a case against the respondents 4 to 6.

2.6 The said writ petition was dismissed as having become infructuous based on the submission of the learned Government Advocate (Crl. Side) that the petitioner's aforesaid two representations had been considered and orders passed and also communicated to the petitioner. But, according to the petitioner, his representations were not at all considered and he was also not served with any order copy.



2.7 Hence, aggrieved, the petitioner filed W.P. (Crl.) (MD) No.1375 of 2025 seeking a direction to the Secretary, Public (SC) Department, to pass orders on the aforesaid references made by the second respondent on 11.03.2025 and 09.06.2025 on the petitioner's representation dated 11.06.2025.

2.8 On 20.11.2025, when the said writ petition was taken up for hearing, based on the submission made by the learned Additional Public Prosecutor that the petitioner's representation dated 11.06.2025 was considered by the second respondent and also the matter was forwarded to the first respondent [Secretary, Public (SC) Department] who also had considered the petitioner's representation on 08.11.2025 and this factum also was duly communicated to the petitioner on 13.11.2025, the said writ petition was closed with an observation that if the petitioner is aggrieved by the communication dated 13.11.2025, the same can be challenged before the appropriate forum.

2.9 On the strength and by virtue of the order dated 20.11.2025 passed in W.P. (Crl.) (MD) No.1375 of 2025, this writ petition has been filed seeking the relief as stated in the opening paragraph.

3. Mr.R.L.Dhilipan Pandian, learned counsel representing Ms.R.Sangeetha, learned counsel on record for the petitioner, would submit that the respondent police have closed the case without conducting a proper enquiry



i.e., without affording him an opportunity of hearing and not permitting him to produce relevant documents in support of his case. In other words, according to the learned counsel, the enquiry conducted by the respondents is arbitrary and contrary to the principles of natural justice.

4. Per contra, Mr.K.M.D. Muhilan, learned Additional Public Prosecutor appearing for the respondents 1 to 3, by drawing the attention of this Court to the trajectory this case has taken thus far, as delineated supra, submitted that it is incorrect to say that the petitioner was not afforded an opportunity of being heard and that he was summoned for enquiry and in fact, he had also furnished materials at the time of enquiry.

5. He further submitted that after the enquiry was conducted, the matter was referred to the Secretary to Government, Public (SC) Department, for taking necessary action and after enquiry, it was reported that there were no discrepancies and that during the enquiry, factual verification was conducted by the Additional Superintendent of Police, during which time, it was found that water supply and underground sewerage system had been provided to the said layout in the Phase-II of the works schedule, *i.e.*, in the year 2019, itself and it was also found that underground sewerage system was extended to all the uncovered area of the city without omitting any portion as per the resolution passed in Tirunelveli Municipal Corporation in No.576 dated 24.12.2019 and



that there was no discrepancy in the execution of the said project as per the detailed project report; thus, the petition was sent to the Head of the Department concerned for verification of the contents of the petition; only after affording a due opportunity of hearing to the petitioner and only after verifying the records, the impugned order was passed. If at all, if the petitioner is aggrieved, he can only move the appropriate forum and a fresh enquiry cannot be conducted.

6. Heard the learned counsel appearing on either side and perused the material on record.

7. This Court, by earlier order dated 20.11.2025 passed in W.P. (Crl.) (MD) No.1375 of 2025, taking into consideration, the communication of the Secretary to Government, Public (SC) Department dated 08.11.2025 addressed to the Director, Vigilance and Anti-Corruption, which was communicated to the petitioner *vide* communication dated 13.11.2025, granted liberty to the petitioner to challenge the communication dated 13.11.2025 before the appropriate forum in the manner known to law. That apart, a scanned reproduction of the factual verification report dated 12.02.2025 issued by the Additional Superintendent of Police, Vigilance and Anti-Corruption Unit, is reproduced below for the sake of ready reference:

**PROFORMA**

Factual verification report on the petition dated 16.01.2025, received from
Tr.G.Manikandan, S/o.Gurunathan, Door No.3-97B, South Street,
Uthamapandiyakulam, Palayamkottai, Tirunelveli District.

Petition No.1459/2025/PUB/TL dated 05.02.2025

1	Name of the factual verification officer and Designation	E.McCLARINE ESKHOL, Additional Superintendent of Police, Vigilance & Anti-Corruption, Tirunelveli Detachment.
2	Date, time and place of verification with the petitioner.	08.02.2025 between 15.00 hrs and 15.30 hrs, O/o the Deputy Superintendent of Police, Vigilance & Anti-Corruption, Tirunelveli Detachment.
3	Date of the petition and name of the petitioner as in the petition.	16.01.2025. Tr.G.Manikandan.
4	Name and address of the petitioner	Tr.G.Manikandan, S/o.Gurunathan, Door No.3-97B, South Street, Uthamapandiyakulam, Palayamkottai, Tirunelveli District
5	Mobile No of the petitioner	9751010935
6	Details of the factual verification.	The petitioner was contacted. He admitted of sending this petition to Vigilance and Anti Corruption, Tirunelveli detachment. He states as like in the petition. He states that water supply and underground sewerage system were provided to the unapproved layout laid in the land purchased by Tr.M.Abdul Wahab, present M.L.A., Palayamkottai. Tr.M.Abdul Wahab, present M.L.A., Palayamkottai has purchased 3.81 acres of land in survey no.586/1B and 583/2B (T.S No.1/4A & 2/4A) in Kandigaiperi Village, Tirunelveli as per sale document in no.737/2011 of Joint-I Sub Registrar, Tirunelveli on 16.06.2011.



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It is seen that layout has been laid in the land to an extent of 3.81 acres said above and roads have been laid in the layout. Necessary approval for the layout has been obtained from the Town and Country Planning office, Tirunelveli as per the proceedings in நடவடிக்கை.2102/2022/திருநெல்வேலி dated 16.06.2023 of Member Secretary / Joint Director, District Town and Country Planning office, Tirunelveli. But the process of final approval is pending at Tirunelveli Municipal Corporation. Till date no plots have been sold out from the layout said above and no houses have been constructed.

It is also seen that water supply and under sewerage system have been provided to the said layout in the Phase-II of the works schedule that is in the year 2019 itself. It is learnt through sources that underground sewerage system has been extended to all the uncovered areas of the city without omitting any portion as per the resolution passed in Tirunelveli Municipal Corporation, in no.576 dated 24.12.2009. Then a detailed project report (DPR) has been prepared for the execution of underground sewerage system to cover the entire area excluding the area of already functioning segments of the year 2007. During the preparation of detailed project report the area owned by the CP wherein the layout has been laid with proper roads have been included. Thereby the water supply and underground sewerage have been provided in the layout owned by the CP. Also in the project the base year has been taken up as 2020, the mid horizon year as 2035 and ultimate horizon year as 2050 i.e., 30 years project period. It is designed to meet the future requirements of a stipulated design period said above. As water supply and underground sewerage system for the said layout has been provided by considering the future requirements and do cover the entire city without any omissions, it is nothing wrong in the same also. As such there is no discrepancy seen in the execution of the said projects as per the detailed project report. Thus the petition may be sent to the concerned Head of the Department for verification of the content of the petition at their level.


Addl. Supdt. of Police
Vigilance and Anti-Corruption
Jb/S3A/1, Manikam Nagar,
Tirunelveli - 627 003.



8. When such is the factual position, if at all the petitioner is aggrieved, he has to approach only the appropriate forum in the manner known to law, as held in the order dated 20.11.2025.

With the above observation, this writ petition (Crl.) (MD) stands closed.

No costs. Connected miscellaneous petition (Crl.) (MD) is also closed.

29-01-2026

Index : Yes/No
Speaking/Non-speaking order
Neutral Citation : Yes/No
mps/cad



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Tirunelveli Corporation,
Tirunelveli.
7. The Public Prosecutor,
Madras High Court,
Chennai – 600 104.



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A.D.JAGADISH CHANDIRA J.

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