



W.P.No.5913 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.03.2026

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The Honourable **Mr.Justice Krishnan Ramasamy**

W.P.No.5913 of 2022

and

W.M.P.Nos.6009 & 6011 of 2022

S.Elred Kumar

...Petitioner

Vs

1 The Commissioner

Central Vigilance Commission Satarkata
Bhavan A Block GPO Complex INA
New Delhi-110 023.

2 The Secretary

Department of Financial Services Ministry
of Finance Union of India 3rd floor
Jeevan deep Building Sansad Marg New Delhi- 01.

3 The Reserve Bank of India

Rep. by its General Manager, Chennai.

...Respondents

Prayer

Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the first respondent to call for a report from the Chief Vigilance Officers on the complaints dated 8-5-2017 and if cognizable offense is made out direct to initiate appropriate criminal proceeding.

For Petitioner : Mr.B.Rameshbabu
For Respondents 1 & 2 : Mr.R.Rajesh Vivekananthan
Deputy Solicitor General
For Respondent -3 : Mr.C.Mohan &



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W.P.No.5913 of 2022

Ms.A.Rexy Josephine Mary
for M/s.King and Patridge

Order

This Writ Petition is filed seeking for the following prayer:-

i) For issuance of a Mandamus directing the first respondent to call for a report from the Chief Vigilance Officers on the complaints dated 08-05-2017 and if cognizable offense is made out, to direct respondents to initiate appropriate criminal proceeding.

2. The Learned counsel for the petitioner would submit that the petitioner has purchased a property from his vendor, by name Shanmuga Sundaram, who in turn, purchased the same from a vendor, by name Shanmugam; that the petitioner thereafter came to know from his vendor that the said Shanmugam has fabricated certain documents and offered the same as collateral security with several Banks in respect of the same property, which was purchased by the petitioner and thereby, committed fraud; that therefore, the petitioner has given a criminal compliant against the said Shanmugam for taking appropriate action against the said Shanmugam, however, the said complaint has not evoked any response,



W.P.No.5913 of 2022

hence, the present Writ Petition.

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3. The learned Deputy Solicitor General for the respondents 1 and 2 would submit that the petitioner has already initiated Civil Proceedings by filing a Suit in O.S.No.118 of 2009, which was dismissed by the Trial Court, as against such dismissal, the petitioner has preferred first Appeal in A.S.No.2 of 2014 and the same was also dismissed by the Lower Appellate Court vide Judgement and Decree dated 02.01.2020; that challenging the said concurrent judgments, the petitioner has not filed any further Second Appeal before this Court. Therefore, it is contended when the petitioner have lost his rights before the Civil Court, he has no *locus standi* to file the present Writ Petition seeking for the aforesaid relief.

3.1 Further, it is contended that even assuming that the petitioner has given a criminal complaint and seeks for a direction to consider such complaint, in the absence of impleading the party from whom, the petitioner stated to have purchased the property, or the Banks, where, such transaction took places by mortgaging the title deeds, as necessary parties, the Writ Petition filed by the petitioner is bad for non-joinder of necessary parties and liable to be dismissed.

3/7



W.P.No.5913 of 2022

4. I have given due considerations to the submissions made by the parties concerned and also perused the materials placed on record.

5. The Petitioner, in this Writ Petition seeks for a direction to the first respondent, Commissioner, Central Vigilance Commission to initiate action against one Shanmugam by taking cognizance of the offence stated in the complaint lodged by the petitioner. However, it appears that initially, the petitioner has filed a suit in O.S.No.118 of 2009 against Shanmugam/first defendant and one other, viz., Annai Builders Real Estate Pvt. Ltd./second defendant seeking for declaration of the sale certificate executed in favour of second defendant as null and void. The said suit was dismissed by the Trial Court. Thereafter, the petitioner filed an Appeal Suit, which was also dismissed.

5.1 It is not in dispute that challenging the concurrent judgments passed by the Civil Courts, the petitioner has not filed any further Appeal before this Court. Thus, the judgment and decree passed by the Courts below had attained finality.



W.P.No.5913 of 2022

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6.. Therefore, as rightly pointed out by the learned Deputy Solicitor General for respondents 1 to 3, when the petitioner has lost his rights over the subject property before the Civil Court, the petitioner cannot intend to take any criminal action against the vendor, Shanmugam, that too, without impleading him nor the Banks, where, the documents alleged to have created by the said Shanmugam was offered as collateral security as parties in this Writ Petition, as the petitioner has no *locus standi* to file this Writ Petition. Even assuming that the grievance of the petitioner is genuine and he is aggrieved by the creation, fabrication and registration of the mortgaged deed by the said Shanmugam and wants to take punitive action against him, the petitioner can lodge only a private complaint and the relief sought for in this Writ Petition cannot be granted.

7. Hence, this Writ Petition is dismissed as being devoid of merits. No costs. Consequently, connected Miscellaneous Petitions are closed.

09.03.2026

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5/7



W.P.No.5913 of 2022

Index : yes/no
Neutral Citation : yes/no

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To

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Krishnan Ramasamy,J.,

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W.P.No.5913 of 2022

W.P.No.5913 of 2022

09.03.2026