



WP.Crl.(MD).No.115/2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 09.01.2026

CORAM :

THE HONOURABLE Mrs. JUSTICE N.MALA

WP.Crl.(MD)No.115 of 2026

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... Petitioner

VS.

- 1.The Director,
Vigilance and Anti Corruption,
Main Block, Directorate of Vigilance
and Anti Corruption, MKN Road, Ramapuram,
Collectors Nagar, Alandur, Chennai-600 016.
- 2.The Superintendent of Police,
Vigilance and Anti Corruption, South
C/o.Directorate of Vigilance
and Anti Corruption, MKN Road, Ramapuram,
Collectors Nagar, Alandur, Chennai-600 016.
- 3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Nagercoil, Kanyakumari District.
- 4.The Executive Officer
Edaicode Town Panchayat
Kanyakumari District.
- 5.The Executive Officer
Thiruvattar Town Panchayat, Kanyakumari District.
- 6.The Executive Officer



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Kadaiyal, Kanyakumari District.

7. The Executive Officer
Ponmanai Town Panchayat
Kanyakumari District.

... Respondents

Prayer: Writ petition [Criminal] filed under Article 226 of the Constitution of India for issuance of a writ of mandamus to direct the 1st to 3rd respondents to consider and act upon the petitioner's complaint dated 22.12.2025 and register a case and investigation against 4th to 7th respondents in accordance with law within a time frame to be fixed by this Court.

For Petitioner	: Mr.Puhazh Gandhi
For R1, R2 & R3	: Mr.B.Nambi Selvan
	Additional Public Prosecutor
For R4 to R7	: Mr.M.Ajmal Khan, AAG assisted by Mr.J.K.Jayaseelan, GA

ORDER

(1) This writ petition is filed for a writ of mandamus to direct the 1st to 3rd respondents to consider and act upon the petitioner's complaint dated 22.12.2025, and to register a case upon investigation against 4th to 7th respondents, in accordance with law within a time frame to be fixed by this Court.

(2) The brief facts are as follows: The petitioner is a Contractor. The respondents 4 to 7 invited tenders for various works in the Town Panchayats mentioned in the tender document. The petitioner states that as a qualified contractor, he applied



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for the tendered works, but, his application was rejected on technical grounds and the tender was awarded to one MJD Constructions and Engineering Contractors Private Limited, in violation of the tender Law and the Rules. The petitioner further states that, being aggrieved by the illegal tender process, he filed WP. (MD).Nos.20235 to 20238/2025, before this Court and this Court, vide order dated 26.08.2025, allowed the writ petitions by quashing the impugned orders, allotting Work Orders to MJD Construction and Engineering Contractors Private Limited. The petitioner states that the writ appeals filed before the Division Bench of this Court, by the Government, were dismissed, with directions to the petitioner to avail the appellate remedy under the Tamil Nadu Tender Transparency Act, 1998. The petitioner further states that the respondents 4 to 7, issued the work orders, in utter violation of the orders of this Court and hence, the petitioner submitted a detailed representation/complaint dated 22.12.2025, to the respondents 1 to 3. Since no action was taken on the said complaint / representation, the petitioner was constrained to file the above writ petition for the aforesaid relief.

(3)The learned Additional Advocate General, assisted by the learned Government Advocate, as well as the learned Additional Public Prosecutor, submitted that the writ petition is not maintainable since the petitioner has an alternate remedy under



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Section 175(3) of BNSS, before the jurisdictional Court.

- (4) The learned Additional Advocate General, in support of the aforesaid submission, relied on the order passed by this Court in WP.Crl.(MD)No.1925 of 2025 dated 31.10.2025.
- (5) Heard both sides and perused the materials available on record.
- (6) The facts are not disputed. The petitioner, aggrieved by the illegal allotment of tender to one MJD Constructions and Engineering Contractors Private Limited, submitted a complaint on 22.12.2025, to the respondents 1 and 2. Since no action was taken, the petitioner filed the above writ petition.
- (7) This Court, while considering similar issue in WP.Crl.(MD)No.1925 of 2025, dismissed the petition on 31.10.2025, on the ground of availability of the alternate remedy. The Court relied on the judgment of the Hon'ble Supreme Court of India in ***Priyanka Srivastava and another Vs. State of U.P and others*** reported in 2015(6) SCC 287. The Hon'ble Supreme Court in the aforesaid judgment held as follows:

“24. Regard being had to the aforesaid enunciation of law, it needs to be reiterated that the learned Magistrate has to remain vigilant with regard to the allegations made and the nature of allegations and not to issue directions without proper application of mind. He has also to bear in mind that sending the matter would be conducive to justice and then he



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may pass the requisite order. The present is a case where the accused persons are serving in high positions in the bank. We are absolutely conscious that the position does not matter, for nobody is above law. But, the learned Magistrate should take note of the allegations in entirety, the date of incident and whether any cognizable case is remotely made out. It is also to be noted that when a borrower of the financial institution covered under the SARFAESI Act, invokes the jurisdiction under Section 156(3) Cr.P.C. and also there is a separate procedure under the Recovery of Debts due to Banks and Financial Institutions Act, 1993, an attitude of more care, caution and circumspection has to be adhered to.

25. Issuing a direction stating "as per the application" to lodge an FIR creates a very unhealthy situation in the society and also reflects the erroneous approach of the learned Magistrate. It also encourages the unscrupulous and unprincipled litigants, like the respondent no.3, namely, Prakash Kumar Bajaj, to take adventurous steps with courts to bring the financial institutions on their knees. As the factual exposition would reveal, he had prosecuted the earlier authorities and after the matter is dealt with by the High Court in a writ petition recording a settlement, he does not withdraw the criminal case and waits for some kind of situation where he can take vengeance as if he is the emperor of all he surveys. It is interesting to note that during the tenure of the appellant No.1, who is presently occupying the position of Vice-President, neither the loan was taken, nor the default was made, nor any action under the SARFAESI Act was taken. However, the action under the SARFAESI Act was taken on the second time at the instance of the present appellant No.1. We are only



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stating about the devilish design of the respondent No.3 to harass the appellants with the sole intent to avoid the payment of loan. When a citizen avails a loan from a financial institution, it is his obligation to pay back and not play truant or for that matter play possum. As we have noticed, he has been able to do such adventurous acts as he has the embedded conviction that he will not be taken to task because an application under Section 156(3) Cr.P.C. is a simple application to the court for issue of a direction to the investigating agency. We have been apprised that a carbon copy of a document is filed to show the compliance of Section 154(3), indicating it has been sent to the Superintendent of police concerned. 26. At this stage it is seemly to state that power under Section 156(3) warrants application of judicial mind. A court of law is involved. It is not the police taking steps at the stage of Section 154 of the code. A litigant at his own whim cannot invoke the authority of the Magistrate. A principled and really grieved citizen with clean hands must have free access to invoke the said power. It protects the citizens but when pervert litigations takes this route to harass their fellows citizens, efforts are to be made to scuttle and curb the same.”

(8) From the aforesaid judgment of the Hon'ble Supreme Court, it is explicit that the petitioner has an alternative and efficacious remedy available to him under Section 175(3) of BNSS, before the jurisdictional Court to have his complaint registered. Since the petitioner has an alternative and efficacious remedy under Section



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175(3) of BNSS before the jurisdictional court, this writ petition cannot be entertained.

(9)In fine, this writ petition is dismissed. No costs.

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Index : Yes/No

Internet : Yes/No

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N.MALA., J.

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