



WP.Crl.(MD).No.954/2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 19.02.2026

CORAM :

THE HONOURABLE Mrs. JUSTICE N.MALA

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H.Elango

... Petitioner

Vs.

1.The Director,
Anti Corruption & Vigilance Department
No.293, MKN Road, Alandur
Chennai 600 016.

2.The Deputy Superintendent of Police
Anti Corruption & Vigilance Department
210/1-A Lourdes Annai Road
Rajakkamangalam Road
Nagercoil, Kanyakumari District.

3.V.Harith Kumar

... 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 and 2nd respondents to conduct proper enquiry and take necessary action against the 3rd respondent based on the petitioner's representation dated 23.01.2026 and consequently register appropriate criminal proceedings against the 3rd respondent as without any basis.



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For Petitioner
For R1 & R2

: Mr.K.S.Muthu
: Mr.B.Nambi Selvan
Additional Public Prosecutor

ORDER

(1)This writ petition is filed by the petitioner for a writ of mandamus to direct the respondents 1 and 2 to conduct proper enquiry and to take necessary action against the 3rd respondent, based on the representation of the petitioner dated 23.01.2026, and consequently register appropriate criminal proceedings against the 3rd respondent.

(2)The petitioner states that there is a temple by name Arulmighu Eswari Bathrakkali Amman Temple, which is under the control of the HR&CE Department. The 3rd respondent is the Executive Officer and is in administrative control of the Temple and its funds. The petitioner states that annually two festivals are conducted in the temple, namely, Panguni Kodai festival in the month of March and Thirukarthigai Deepam festival in the month of December. The petitioner further states that in Esanthangu Village, certain private individuals, with the active connivance of the 3rd respondent, were collecting money from the general public in the name of the temple festivals without any proper authorisation and without maintaining official



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accounts and records and thereby, causing wrongful loss to the devotees and temple administration. The petitioner states that during Thirukarthigai deepam festival held in December, 2025, the private individuals formed two Whatsapp group in the name of "Esanthangu Eswari Bathrakkali Amman Temple" and collected a sum of Rs.2,500/- from 135 devotees and amassed a total sum of Rs. 3,37,500/-, without any lawful authority or proper accounting. The petitioner further states that the said amount was collected with the active participation of the 3rd respondent. The petitioner states that in the year 2015, similar complaints were filed against the 3rd respondent, however no effective or meaningful action was taken. Under the circumstances, the petitioner sent a representation on 23.01.2026 to the respondents 1 and 2 for necessary action against the 3rd respondent and also to conduct an enquiry and to register appropriate criminal proceedings against the 3rd respondent. As no action was taken, the petitioner was constrained to approach this Court by filing the above petition for the aforesaid relief.

(3)The learned counsel for the petitioner submitted that the petitioner applied for information under the Right to Information Act and on 29.12.2025, the 3rd respondent, with reference to the petitioner's allegation relating to illegal collection of donations, replied that no documents were maintained by the temple.



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The learned counsel submitted that if no amount was collected, the reply would have been a total denial, instead, the 3rd respondent replied that no documents were maintained. The learned counsel further submitted that it is for the 3rd respondent to establish that no illegal donations were collected. The learned counsel submitted that under the circumstances, the respondents 1 and 2 should be directed to conduct proper enquiry and register a criminal complaint against the 3rd respondent.

(4)The learned Additional Public Prosecutor submitted that in 2015, similar complaints were made against the 3rd respondent and on the basis of the complaint, a case in Crime No.40/2015, was registered at Velisandhai Police Station, for the offences relating to cheating and fraud, however, after investigation, the case was closed as "Mistake of Fact". The learned Additional Public Prosecutor submitted that repeated representations without any substance, needed no consideration.

(5)Heard both sides and perused the materials placed on record.

(6)As rightly contended by the learned counsel for the petitioner, the 3rd respondent / Executive Officer, in his reply to the petitioner's application under the Right to Information Act, seeking information on the illegal collection of donations of Rs. 2,500/- per devotee from 135 persons, instead of denying the collection, merely stated that there were no documents available for the said information. Hence,



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this Court finds that there is some substance in the petitioner's complaint. As regards the respondents' submission that the earlier complaint by some other persons, was closed as "Mistake of Fact", the learned counsel for the petitioner submitted that a Protest Petition was filed by the complainant therein and the same is pending.

(7)Under the facts and circumstances of this case, though a larger relief is prayed in the writ petition, this Court deems it appropriate to restrict the prayer to a consideration of the petitioner's representation dated 23.01.2026 by the 1st respondent.

(8)Accordingly, the writ petition is **disposed of** with a direction to the 1st respondent to consider the petitioner's representation dated 23.01.2026, along with any documentary proof, if any, to be submitted by the petitioner, on merits and in accordance with law and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

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Internet : Yes/No
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N.MALA., J.

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