

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.11.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.No.34845 of 2018 and Crl.O.P.No.23428 of 2018

W.P.No.34845 of 2018:

Arappor Iyakkam

Rep by its Managing Trustee Jayaram Venkatesan

140A, Rukmini Lakshmipathy Salai

Egmore, Chennai - 600 008.

.. Petitioner

Vs

- 1 The Director  
Directorate of Vigilance and Anti Corruption  
No.293, MKN Road, Alandur  
Chennai - 600 016.
- 2 The State of Tamil Nadu  
Rep by its Chief Secretary  
Fort St.George  
Chennai - 600 009.
- 3 The Superintendent of Police  
Anti Corruption Bureau  
Central Bureau of Investigation  
III Floor Shastri Bhavan  
No.26, Haddows Road, Nungambakkam  
Chennai - 600 006.

- 4 SP Velumani
- 5 Municipal Administration and  
Water Supply Department  
Rep by its Secretary  
Government of Tamilnadu  
Secretariat, Fort St.George  
Chennai – 600 009.
- 6 Greater Corporation of Chennai  
Rep by its Commissioner  
Rippon Buildings, Park Town  
Chennai – 600 003.
- 7 Coimbatore City Municipal Corporation  
Rep by its Commissioner  
2nd Floor, Big Bazaar Street, Town Hall  
Coimbatore-641 001. .. Respondents  
(R5 to R7 are suo motu  
impleaded vide court order  
dated 4.1.2019 in WP.No.34845 of 2018)

Prayer in W.P.No.34845 of 2018: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the 1st Respondent to register an FIR on the basis of the petitioner's complaint dated 12.09.2018 after seeking Previous Approval u/s 17A(1)(b) of the Prevention of Corruption Act, 1988 from the Governor of Tamil Nadu and to constitute a Special Investigation Team by this Hon'ble Court and consequently direct that Special Investigation Team to conduct a time bound independent High Court-monitored fair investigation under the Prevention of Corruption Act, 1988, Indian Penal Code and other connected Acts.

Crl.O.P.No.23428 of 2018:

R.S.Bharathi  
Member of Parliament  
Organising Secretary  
Dravida Munnetra Khazhagam  
Anna Arivalayam  
367 and 369, Anna Salai  
Teynampet, Chennai – 600 018.

residing at  
No.18, 29<sup>th</sup> Street, Thillai Ganga Nagar  
Nanganallur, Chennai – 600 061. .. Petitioner

The Director  
Vigilance and Anti Corruption  
293, MKN Road  
Collectors Nagar  
Alandur, Chennai – 600 016. .. Respondent

Prayer: Petition under Section 482 of the Code of Criminal Procedure to direct that a Special Investigation Team be constituted to investigate the complaint dated 10.9.2018.

For the Petitioner in : Dr.V.Suresh  
W.P.No.34845 of 2018

For the Petitioner in : Mr.N.R.Elango  
Crl.O.P.No.23428 of Senior Advocate  
2018 for Mr.R.Girirajan

For the Respondent : Mr.R.Shunmugasundaram

W.P.No.34845 of 2018  
and Crl.O.P.No.23428 of 2018

Nos.1, 2 and 5 in Advocate-General  
W.P.No.34845 of 2018 assisted by  
Mr.P.Muthukumar  
Government Pleader

For 3<sup>rd</sup> Respondent in : Mr.Hasan Mohamed Jinnah  
W.P.No.34845 of 2018 Public Prosecutor  
and sole respondent in for 3<sup>rd</sup> respondent  
Crl.O.P.No.23428 of  
2018

For 4<sup>th</sup> Respondent in : Mr.Satish Parasaran  
W.P.No.34845 of 2018 Senior Counsel

For 6<sup>th</sup> Respondent in : Ms.Karthikaa Ashok  
W.P.No.34845 of 2018

For 7<sup>th</sup> Respondent in : Mr.E.K.Kumaresan  
W.P.No.34845 of 2018

COMMON ORDER

(Order of the Court was made by the Hon'ble Chief Justice)

The matter pertains to perceived irregularities in the execution of certain contracts pertaining to public works.

2. According to the petitioner in W.P.No.34845 of 2018, an NGO by the name of Arappor Iyakkam, which is registered under

the Indian Trusts Act, 1882, various acts of misfeasance and malfeasance have been indulged in by government officials and there is also an element of collusion among certain private firms who have alternately been obtaining government orders.

3. Elaborate orders were passed at the initial stage, appreciating the need for an investigation. A status report was received on December 18, 2019. A preliminary inquiry report was received in court as recorded in an order of January 23, 2020.

4. Since the pandemic struck thereafter, not much progress was made but the State now says that the investigation has been taken up in right earnest and an appropriate report will be filed in accordance with law. The State points out that the investigation in the present case has been conducted by one Ms.Ponni, IPS, who was the Superintendent of Police and Directorate of Vigilance and Anti-Corruption, and it is such official who had filed the preliminary report on December 18, 2019.

5. The fourth respondent in W.P.No.34845 of 2018 had applied to obtain a copy of the preliminary report that had been filed in this court on December 18, 2019. According to the fourth respondent, if such respondent were to be ultimately charged, it is necessary for the respondent to look into the basis therefor and, as such, the preliminary report is of great interest to the fourth respondent. The State, however, resists the making over of the preliminary report to the fourth respondent at this stage.

6. It may do well to decline the request made by the fourth respondent in W.P.No.34845 of 2018 to make over a copy of the preliminary report to the fourth respondent immediately. The law has to be allowed to take its own course. Upon completion of the investigation, a report will no doubt be filed and such report should be filed within the next ten weeks, be it in the form of a charge-sheet or as a final report. In course of the material being made over to the fourth respondent under Section 207 of the Code of

Criminal Procedure, 1973, if the preliminary report forms the basis for any of the charges sought to be framed, a copy of such preliminary report may be made over to the fourth respondent and it will also be open to the relevant criminal court to consider whether the petitioner may also obtain a copy thereof.

7. It is made clear that the observations in course of the orders should not count against the fourth respondent if, ultimately, any charge-sheet were to be filed against him or any charges framed. In view of the fact that the investigation has almost come to an end and since the charge-sheet or final report is to be filed within the next ten weeks, no useful purpose would be served in keeping these petitions alive.

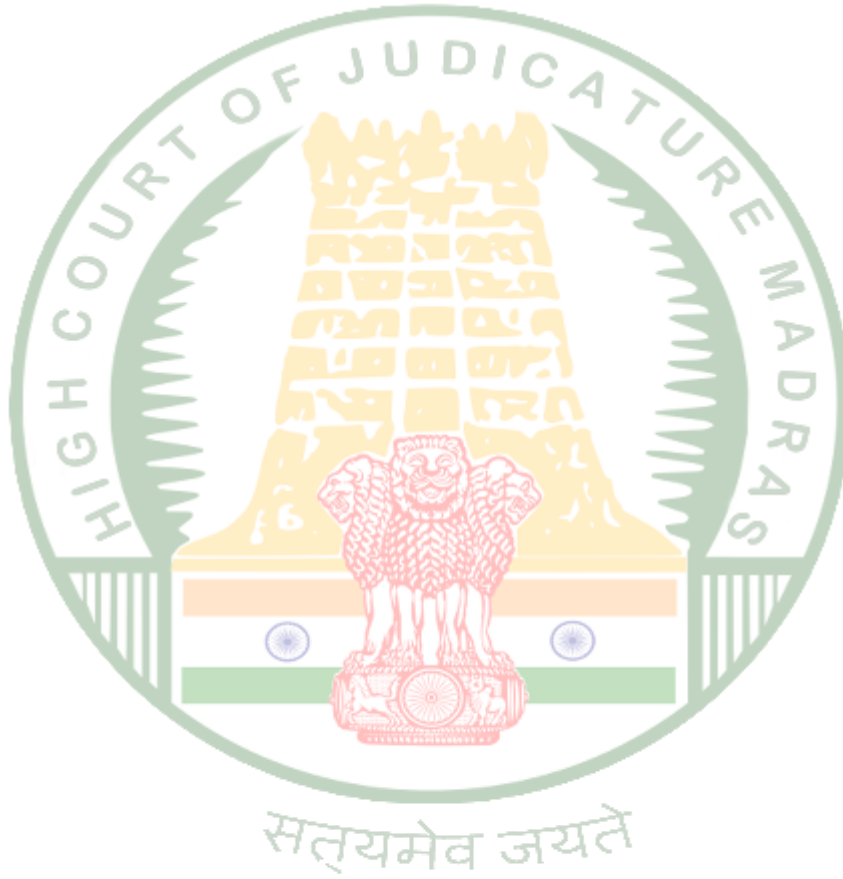
8. Accordingly, W.P.No.34845 of 2018 and Crl.O.P.No.23428 of 2018 are closed. Consequently, W.M.P.Nos.4747 of 2020 and 24569 of 2021 are closed.

W.P.No.34845 of 2018  
and Crl.O.P.No.23428 of 2018

There will be no order as to costs.

(S.B., CJ.) (P.D.A., J.)  
08.11.2021

Index : No  
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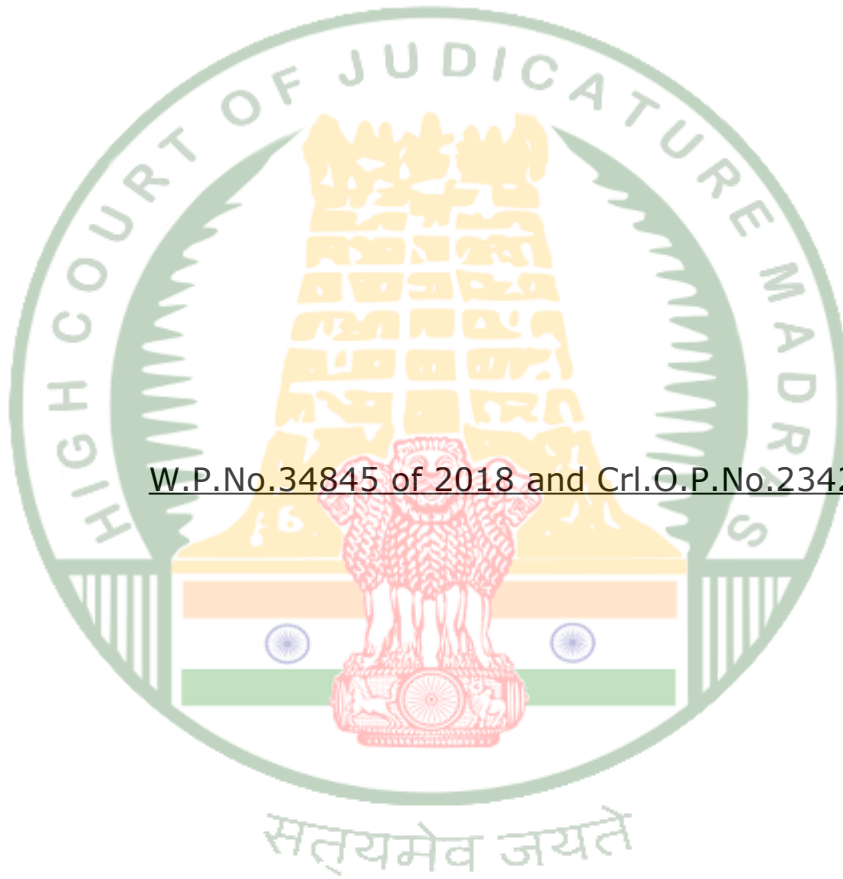
To:

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W.P.No.34845 of 2018  
and Crl.O.P.No.23428 of 2018

THE HON'BLE CHIEF JUSTICE  
AND  
P.D.AUDIKEVALU, J.

(sasi)



W.P.No.34845 of 2018 and Crl.O.P.No.23428 of 2018

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