

FIRST INFORMATION REPORT

முதல் தகவல் அறிக்கை
(Under Section 154 Cr.P.C.)
(கு.ந.வி.தொ.பிரிவு 154 இன் கீழ்)

TAMIL NADU POLICE
INTEGRATED INVESTIGATION FORM-I

8081696

C

1. District Kanyakumari PS: V&AC Year: 2022 FIR No.: 3/2022 Date: 21.03.2022
மாவட்டம் காவல்நிலையம் Nagercoil ஆண்டு மு.த.அ. எண் நாள்
2. (i) Act சட்டம்: IPC Sections பிரிவுகள்: 120-B
(ii) Act சட்டம்: The PC Act 1988 Sections பிரிவுகள்: 13 (2) r/w13(1)(d) of P.C Act
(iii) Act சட்டம்: The PC Act 1988 Sections பிரிவுகள்: 1988 and 34 of IPC.
(iv) Other Acts & Sections பிறு சட்டங்களும், பிரிவுகளும் :
3. (a) Occurrence of Offence Day : Date from 5.11.2016 Date to : 02.03.2018
குற்ற நிகழ்வு நாள் நாள் முதல் நாள் வரை
Time Period : Time from : Time to :
நேர அளவு நேரம் முதல் நேரம் வரை
(b) Information Received at PS. Date : Time :
காவல் நிலையத்திற்கு தகவல் கிடைத்த நாள் நேரம்
(c) General Diary Reference : Entry No(s) 21.03.2022 Time 12.00 hrs
பொது நாட்குறிப்பில் பதிவு விவரம் எண் நேரம்
4. Type of Information : Written/ Oral : Written
தகவலின் வகை : எழுத்து மூலம் / வாய் மொழியாக
5. Place of Occurrence (a) Direction and Distance from PS : Villukuri 'C' Village Sy.No.825/ 1A
குற்ற நிகழ்விடம் (அ) காவல்நிலையத்திலிருந்து எவ்வளவு தூரமும், எத்திசையும் About 7 Kms North west, Chun-
Beat Number : (b) Address : gankadai.
முறைக் காவல் எண் முகவரி
- (c) In case outside limit of this Police Station, then the Name of P S : District :
இக்காவல் நிலைய எல்லைக்கப்பால் நடந்து இருக்குமாயின், அந்நிலையில் அந்த கா.நி.பெயர் மாவட்டம்
6. Complainant /Informant (a) Name : S.John Benchamin (b) Father's/ Husband's Name : Tr.S.Swaminathan
குற்றமுறையீட்டாளர்/ தகவல் தந்தவர் பெயர் தந்தை / கணவர் பெயர்
(c) Date / Year of Birth : (d) Nationality : (e) Passport No. :
நாள் / பிறந்த ஆண்டு நாட்டினம் Indian வெளிநாட்டு கடவுச்சீட்டு எண்
Date of Issue : Place of Issue :
வழங்கப்பட்ட நாள் வழங்கப்பட்ட இடம்
(f) Occupation : Inspector of Police (g) Address : V&AC, Nagercoil, Kanyakumari
தொழில் முகவரி District
7. Details of Known/Suspected/Unknown accused with full particulars. (Attach separate sheet if necessary)
தெரிந்த / ஐயப்பாட்டிற்குரிய / தெரியாத குற்றஞ்சாட்டப்பட்டவரின் முழுமையான விவரங்கள்
(தேவையெனில் தனித்தாள் இணைக்கவும்)
1. Tr.G.Nagarajan, Assistant Director, Town and Country Planning, Tirunelveli.
2. Tr.M.Vincent, S/o Michael, Proprietor/Chairman, Managing Trustee of Vins Education and Health Trust, No,316, K.P.Road, Nagercoil, Kanyakumari District.
8. Reasons for delay in reporting by the complainant / Informant:
குற்றமுறையீட்டாளரால் / தகவல் கொடுப்பவரால் முறையிட்டதில் தகவல் கொடுப்பதில் தாமதம்

Nil

9. Particulars of properties stolen / involved (Attach separate sheet if necessary)
கனவாடப்பட்ட / களவிற்குள்ளான சொத்துக்களின் விவரம் (தேவையெனில் தனித் தாளில் இணைக்கவும்)
10. Total value of properties stolen / involved :
கனவாடப்பட்ட / களவிற்குள்ளான சொத்துக்களின் மொத்த மதிப்பு
11. Inquest Report / Un-natural death Case No. if any:
பிண விசாரணை அறிக்கை / இயற்கைக்கு மாறான இறப்பு எண் ஏதேனும் இருந்தால்
12. FIR Contents (Attach separate sheet, if required) :
முதல் தகவல் அறிக்கையின் சுருக்கம். (தேவையெனில் தனித்தாளில் இணைக்கவும்)

- Accused:** Submitted,
1. Tr.G.Nagarajan, Assistant Director, Town and Country Planning, Tirunelveli. I, John Benchamin, Inspector of Police, Vigilance and Anti-corruption, Kanyakumari Detachment at Nagercoil while on duty on 21.03.2022. I, received the Memorandum from Directorate of Vigilance and Anti-corruption, Chennai Confidential V.R.No.15220/2020/TCP/TI, dated 10.03.2022 along with a copy of prior approval of Principal Secretary to Government, Housing and Urban Development (UD-2) Department, under section 17 (A) (1) of the Prevention of Corruption Act, 1988, I register the following case against the accused. The factual matrix of the case disclosed through the above cited confidential communication is narrated as under.
2. Tr.M.Vincent, S/o Michael, Proprietor/ Chairman, Managing Trustee of Vins Education and Health Trust, No,316, K.P.Road, Nagercoil, Kanyakumari Dt.

13. Action taken : Since the above report reveals commission of offence(s) u/s as mentioned at item No.2 registered the case and took up the investigation / directed Rank to take up the investigation / Refused Investigation / transferred to PS.....on point of jurisdiction.

எடுக்கப்பட்ட நடவடிக்கை : மேலே குற்ற முறையிட்டில் உள்ளவை பிரிவு 2ல் கூறப்பட்ட சட்ட பிரிவுப்படியான குற்றமாக வழக்கு பதிவு செய்து புலனாய்வுக்கு எடுத்துக்கொள்ளப்பட்டது / பணிக்கப்படுதல் Tr.D.Robin Gnaana Sinigal Inspector of Police தலைவரின் புலனாய்வுக்கு எடுத்துக்கொள்ள பணிக்கப்பட்டது / மறுக்கப்பட்டு எல்லையைக் கருதி புலனாய்வுக்கு காவல் நிலையத்திற்கு மாற்றப்படுகிறது.

FIR read over to the Complainant / Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

மு.த.அ. குற்றமுறையிட்டாளருக்கு / தகவல் தந்தவருக்கு படித்துக்காட்டி, அது சரியாக எழுதப்பட்டு இருப்பதாக ஏற்றுக் கொள்ளப்பட்டு, அதன் படி நகல் ஒன்று இலவசமாக கொடுக்கப்பட்டது.

14. Signature / Thumb Impression of the Complainant / Informant
குற்றமுறையிட்டாளர் / தகவல் கொடுப்பவரின் ஒப்பம் / பெருவிரல் இரேகைப் பதிவு

Signature of the Officer in-charge, Police Station
காவல் நிலைய பொறுப்பு அலுவலரின் ஒப்பம்

15. Date & Time of despatch to the court:

நீதிமன்றத்திற்கு அனுப்பப்பட்ட நாள், நேரமும்

21.03.2022
at 13.00 hrs

Name: பெயர் S. John Benchamin.
Rank: நிலை Inspector of Police..
V&AC, Kanyakumari Detachment.

FIR continuation of Nagercoil V&AC Cr.No 03/2022—page-3

The 1st accused Tr.G. Nagarajan, was working as Assistant Director, Town and Country Planning and Deputy Director, Town and Country Planning from 14.05.2015 to 08.03.2019. Presently he is working as Deputy Director, Town and Country Planning, Koyambedu, Chennai. As such the above accused is a public servant within the meaning, ambit and purview of Section 2(C) of the Prevention of Corruption Act, 1988. The 2nd accused Tr.Vincent, S/o. Michael is the Proprietor/Chairman, Managing Trustee of Vins Educational and Health Trust, No. 316, K.P Road, Nagercoil, Kanyakumari District (Private individual) The said accused is running an Engineering College in a name and style "Vins Christian College of Engineering". The above college had been constructed in Survey No. 826, 828/5, 9,1,2,4 of Villukuri "C" "Village to the extent of 1400 sq.ft and 7729.59 sq.ft after obtaining Plan approval permission on 08.01.2001 and 23.02.2009 respectively. The duties and liabilities of the authorities of Town Panchayat are collecting house tax, building tax, profession tax and water tax. Furthermore, it is the duty to supply drinking water, arranging sanitation, erecting street lights and maintaining them, laying of roads, granting plan approval to commercial building upto 2000 sq. ft. and granting plan approval to residential building upto 4000 sq. ft. Till 29.12.2010, the plan approval stated above was granted by Town Panchayat concerned and based on that constructions were effected. But from the year 2010 onwards, amendment had been carried out in Town and Country Planning Act. Accordingly, as per section 47-A(2) Commercial buildings and Educational institution buildings above 2000 sq. ft. plan approval has to be obtained from the Deputy Director, Town and Country Planning. The jurisdiction of Deputy Director, Town and Country Planning for granting plan approval and other works includes Kanyakumari, Tirunelveli and Thoothukudi District. Circular had been sent to all the officials concerned vide Roc No. 23152/11/GR dt.12.10.2011 from the Director, Town and Country Planning, Chennai to strictly implement the same. The Accused No.2 Tr.Vincent (Private individual) had constructed 3896 sq. ft. building as three storied building in Survey No.

825/1A comprised in Villukuri "C village. One Tr. Justin had sent a complaint to the first accused Tr.G. Nagarajan on 05.11.2016 with relevant documents through registered post and also directly, by producing documents such as application filed on 27.03.2012 under right to information act and reply dated 02.05.2012 stating the above unauthorized construction and action to be taken. Since the construction had been made in the property comprised in Survey No. 825/1A belonging to him. But even after expiry of 3 months no action had been taken with regard to the petition of Tr.Justin. Aggrieved by the same, the said Justin had filed a petition before the Hon'ble Madurai Bench of Madras High Court in WP.(MD)No 2441/2017 on 9.2.2017 to cause enquiry and to pass appropriate orders regarding the unauthorized construction. The Hon'ble Madurai Bench of Madras High Court had passed orders directing to confirm whether any building as stated by petitioner Tr. Justin had been constructed without plan approval from the panchayat and to take appropriate action within the period of 3 months. The first accused deliberately failed to comply the order of the Hon'ble High Court As such on 17.11.2017 the above said Tr. Justin had filed contempt petition in the contempt petition (MD) No. 2314/2017 before the Hon'ble Madurai Bench of Madras High Court, on 21.11.2017 The first accused on knowledge of this petition hurly and burly sent notice on 22.01.2018 after a delay of six months u/s 47-A (2) of Tamilnadu Town and Country Planning Act 1971 to offer explanation to the Accused No.2 Tr. Vincent. The Accused No.2 Tr. Vincent had sent a reply on 29-1-2018 to the first accused stating that for the construction of building in Survey No. 826, 828/5, 9,1, 2, 4 he had obtained plan approval No. CC 694/2001 dt. 8.12.2001 from Aloor Town Panchayat and the same is discussed in paragraph -2 of the notice sent by AO-1 to AO-2 dated 30.01.2018. But, as per his claim, he had not sent the plan, alleged to have been approved along with the letter dt. 29.1.2018 sent to Accused No.1 by Accused No.2. Moreover the contents in paragraph two of the notice dated 8.1.2018 shows that he had not obtained permission to construct building in

Survey No. 825/1A of Villukuri "C" village. Accordingly it is made clear to the knowledge of the A-1 that A-2 had admittedly not obtained plan approval either from Alloor Town Panchayat or from Department of Town and Country Planning. The Accused No.1 who is supposed to clarify the genuineness of the reply letter sent by Accused No.2 and call for the plan approval records of Alloor Town Panchayat if any, had sent further notice on 30.1.2018 that is after expiry of 30 days providing breathing time to A2 for approaching the court. Accordingly, in pursuance of the collusion by A-1 and A-2, Accused No.2 filed a petition with false contents and prayer to stay the operation of the notice dated 30.01.2018 sent by Accused No.1. In pursuance of the said collusion A2 had filed WP No.(MD) No. 4486/2018 on 27.02.2018 by falsely submitting that all the details required by A-1 had already been submitted to A-1 by A-2. Based on the above said writ petition stated above interim stay, a "valuable order" had been granted on 2.3.2018 staying the operation of the above notice dated 30.1.2018. The above facts disclosed that A-2 had not obtained any plan permission to construct the above said building in Survey No. 825/1A of Villukuri "C" village and also A1 failed to take appropriate action. A-2 Tr. Vincent without obtaining due plan permission for constructing the above said building of 3896 sq.ft., had constructed the same and falsely pretended and submitted false affidavit with false counter before the Hon'ble High court, as if Plan Approval had been given by local Alloor Panchayat with the help of forged documents. Even after information submitted by Tr. Justin to A-1 on 5.11.2016, A-1 was least bothered about the same and failed to initiate appropriate action against A-2 and also failed to take steps against the unauthorized building constructed by A-2 by joining hands with A-2 and thus had abused his official position and omitted to act legally with vested interest and delayed the execution discussed above u/s 47(2) of Town and Country Planning Act. The available information makes out prima facie case against A-1 and A-2. Thus A-1 and A-2 have entered into criminal conspiracy from 05.11.2016 to 2.3.2018 and thus A-1 delayed and evaded the action proposed

u/s 47(2) of Town and Country Planning Act without taking appropriate steps against A2 by abusing his official position as Deputy Director, Town and Country Planning, Tirunelveli even though he was made aware by production of documents that no approval is granted for construction of 3896 s. ft building by local body or Town and Country Planning Department intentionally aided A2 to have breathing time and to approach the Hon'ble High Court, Madras at Madurai Division to avail stay order on 2.3.2018 a valuable security to evade the execution action u/s 47 (2) of Town and Country Planning Act and thus omitted from his official duty by not presenting the real facts before Hon'ble High Court not performing his duty as per law with vested interest. Therefore, today I registered a case in Nagercoil Vigilance and Anti-corruption Cr. No.03/2022 against A-1 Tr. G. Nagarajan and A-2 Tr. Vincent u/s 120-B of Indian Penal Code, 13(2) r/w 13(1)(d) of Prevention of Corruption Act, 1988 and 34 of Indian Penal Code to unearth the other facts and officials involved in this case.

I sent the original FIR to the CJM cum Special Judge court, Nagercoil and other copies to the concerned officials and a copy of FIR to the Tr.D.Robin Gnana Singh, Inspector of Police, V&AC, Tirunelveli and took up the case for investigation.

S. J. J. 21/3/2022
(S. John Benckam)
Inspector
V&AC
Nagercoil