

**HIGH COURT OF TRIPURA
AGARTALA**

WP(C) 458 of 2024

Sri Dipak Saha

---Petitioner(s)

Versus

The Tripura Human Rights Commission and 3 Others.

---Respondent(s)

For Petitioner(s)	:	Mr. B.N. Majumder, Sr. Advocate. Mr. Elembrok Debbarma, Advocate.
For Respondent(s)	:	None.
Date of hearing and date of judgment and order	:	10.07.2024.
Whether fit for reporting	:	No

HON'BLE MR. JUSTICE T. AMARNATH GOUD

Judgment & Order (Oral)

Heard learned counsel for the parties.

[2] This is a petition under Article 226 of the Constitution of India for seeking the following reliefs:

(i) Issue Rule NISI calling upon the respondent no. 1 or each one of them to show cause as to why a Writ of Certiorari shall not be issued to quash the order dated 17.05.2024 and the entire proceedings initiated in pursuant to Complaint Case No. 29/2024.

AND

(ii) Issue Rule NISI calling upon the respondent no. 1 or each one of them to show cause as to why a Writ of Certiorari shall not be issued to quash the order dated 06.06.2024 and the entire proceedings initiated in pursuant to Complaint Case No. 29/2024.

AND

(iii) Issue Rule NISI calling upon the respondent no. 1 or each one of them to show cause as to why a Writ of Prohibition shall not be issued to stay the proceedings vide Complaint Case No. 29/2024 initiated in the Tripura Human Rights Commission;

AND

(iv) As to why such other order/orders shall not be passed so as to give full relief(s) to the Petitioner and upon causes shown to make the rule absolute.

AND

In case the respondents show cause or not, make the rule absolute in terms of prayer (i) (ii) (iii) (iv) as above.

AND

Pending disposal of the writ petition, Your Lordships would be graciously pleased to stay the further proceedings of Complaint No. 29/2024 pending before the Hon'ble Tripura Human Rights Commission.

[3] The case of the petitioner is that the petitioner is a dedicated father who is currently facing harassment from his wife-respondent no. 3. His minor son is, at the moment, undergoing cancer treatment in Tata Memorial Hospital at Kolkata. Few months back, the respondent no. 3-wife of the petitioner lodged a complaint to the Tripura Human Rights Commission (in short 'Commission') via email, alleging that their son's human rights were being violated. Upon taking cognizance of the aforesaid complaint, the respondent no. 1 and 2 on 17.05.2024 passed an interim order of compensation of 2 lakhs rupees against the petitioner. The petitioner, thereafter, filed an application for recalling the order dated 17.05.2024 and to drop the proceeding of complaint case no. 29/2024 on the ground that the Hon'ble Commission has no jurisdiction to take cognizance of family dispute as well as the express provision of the Protection of Human Rights Act, 1993 and The Tripura Human Rights Commission Regulations, 2022 (hereinafter referred to as the 'Act' and 'Regulations'). However, the respondent no. 1 vide order dated 06.06.2024 has rejected the prayer of the petition filed on 27.05.2024 which is apparently not in conformity of the Section 18 of the Human Rights and Commission Act and challenging the said proceedings, the present Writ Petition is filed.

[4] It is contended by the counsel for the petitioner that the case pertains to a family matter/dispute regarding the provision of medical expenses, which should be adjudicated by a Family Court. The Hon'ble Commission wrongly applied the provision of human rights principles to a domain where specialized family laws are applicable.

[5] During the course of argument, Mr. B.N. Majumder, learned senior counsel assisted by Mr. Elembrok Debbarma, learned counsel appearing for the petitioner-husband represented before this court that the petitioner has been taking care of medical expenses of his son all through. He is also attending the ailing patient son diagnosed with blood cancer who is under treatment in Tata Medical Centre in Kolkata. The petitioner

would also, in future, continue to monitor the situation and meet the medical expense of his ailing son.

[6] At this juncture, where the petitioner-husband and the mother-unofficial respondent is raising disputes against each other in terms of their family right, the father has initiated taking care of his son and the petitioner has also submitted before this Court that he has already made certain prayers for medical reimbursement before his employer. Once the amount is released, the father would certainly meet the further needs of the son as well. Appreciating the said contention and stand of the father, this court is of the view that the present petition cannot be entertained at this juncture. The need of the hour is to look after the ailing son who is fighting with cancer and is under treatment in Tata Medical Centre in Kolkata. None but only a father and a mother can be the best support of their son at this time of distress. Stating thus, this court is of the view that the present petition is liable to be dismissed. However, is so far as the interim order of the Human Rights Commission which is impugned herein is an interlocutory order and the main case is pending. Thus, interference at this juncture is uncalled for and the direction is converted to recommendation holding the petitioner-father responsible towards his son and this Court declares that he cannot claim immunity on technical reasons.

[7] Accordingly, the writ petition stands dismissed. As a sequel, stay, if any, stands vacated. Pending application(s), if any, also stands closed.

JUDGE

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