



IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :19.08.2026

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Coram:

THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE E.MANOHARAN

Writ Petition Nos.22064, 22065 and 22066 of 2011
and
M.P.No. and 1 of 2011

W.P.No.22064 of 2011

Govindasamy, Gr.I PC-353,
S/o Mannakatti Gounder
Villupuram Town East Police Station.

.. Petitioner

/versus/

1.The Registrar,
State Human Rights Commission TamilNadu,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-28.

2.K.Tamilvengai,
District Co-ordinator,
Makkal Urimai Kootamaipu
Villupuram District,
No.47, Kaveri Street,
Vandimedu,Villupuram 605 602.

3.The Principal Secretary to Government,
Home Department,
Secretariat, Chennai 600009.

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari calling for the records relating to the proceedings of the 1st respondent made in S.H.R.C.No.70 of 2009, dated 04.08.2011 and quash the same.



For Petitioner :Mr. M.Devaraj

W.P.No.22065 of 2011

Kumar, S/o Banu
Sub Inspector of Police,
Villupuram Town East Police Station.

.. Petitioner

/versus/

1.The Registrar,
State Human Rights Commission Tamil Nadu,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai 28.

2.K.Tamilvengai,
District co-ordinator
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No.47, Kaveri Street,
Vandimedu, Villupuram-605 602

3.The Principal Secretary to Government
Home Department
Secretariat, Chennai-600 009

.. Respondents

Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the proceedings of the 1st respondent made in SHRC No.70 of 2009 dated 04.08.2011 and quash the same.

For Petitioner :Mr.D.Kumaravel

For Respondents :Mr.K.Surender, Spl.G.P for R3
No appearance for R1 and R2

W.P.No.22066 of 2011

Dakshinamurthy
S/o Guruswamy,
Deputy Superintendent of Police,
Villupuram District.

.. Petitioner



/versus/

1.The Registrar,
State Human Rights Commission Tamil Nadu,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai 28.

2.K.Tamilvengai,
District Co-ordinator
Makkal Urimai Kootamaipu
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Writ Petition has been filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari calling for the records relating to the proceedings of the 1st respondent made in SHRC No.70 of 2009 dated 04.08.2011 and quash the same.

For Petitioner :Mr.M.Devaraj

For Respondents :Mr.K.Surender, Spl.G.P for R3
No appearance for R1 and R2

Common Order

(Order of the Court was made by Dr.G.Jayachandran,J.)

All the three writ petitions have been filed challenging the recommendation of the Human Rights Commission awarding compensation of Rs.50,000/- to the complainant, K.Tamilvengai and directing the said amount to be recovered at the rate of Rs.20,000/- each from the first respondent Govindasamy and Kumar, Sub Inspector of Police and Rs,10,000/-from

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Dakshinamoorthy, Deputy Superintendent of Police,

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2. The complaint before the State Human Rights Commission has laid by the complainant, K.Tamilvengai stating that on 30.12.2008 at about 9.30 am. While he was travelling along with his wife in a share auto, the first respondent/Govindasamy, despite his objection, sat beside his wife, Mangaikarasi, and later, got down at Gandhi Statue, Villupuram. When the auto boy demanded the fare, he refused to give the fare and caught hold of the auto boy's shirt-collar and threatened him. The complainant introduced himself as the District Organiser of the Human Rights Association and questioned the high-handedness of the Head Constable. However, the Head Constable retorted that he being a policeman could make a complaint and the complainant in reply states that he could go to anybody and lodge the complaint.

3. When the complainant went to the Villupuram Town East Police Station, along with the Secretary of the Association, Veerasamy, the complaint was not received by the second respondent, Kumar, Sub Inspector of Police attached to the Villupuram Town East Police Station. Further, the incident was brought to the notice of the District Superintendent of Police, who is the 3rd respondent. Even then, except for registering CSR, no further action was taken. Hence, the complaint was filed before the State Human Rights Commission.



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4. According to the complaint, firstly, the first respondent/Govindasamy sat next to the complainant's wife, despite his objection while travelling in the share auto. Secondly, when the auto-boy demanded the auto-fare for the travel, the first respondent not only refused to pay the fare but also caught hold of the autoboy's shirt-collar and threatened him. Thirdly, when the complainant objected to the conduct of the first respondent, the 1st respondent disclosed himself that he is a policeman and challenged the complainant to report the matter against him to whomsoever he liked. Fourthly, when the complainant and the Secretary of the Association, went to the Town Police Station to report about the incident, the second respondent, Kumar, Sub Inspector of Police, abused them and refused to receive the complaint. Lastly, when the matter was brought to the notice of the higher official, namely, the District Superintendent of Police, he did not take appropriate action.

5. The Human Rights Commission, after examining the complainant and the Secretary, Veerasamy as PW-1 and PW-2 and taking note of the complaint and acknowledgment, held that the complaint given by Tamilvengai was not given due consideration by the police and only after the complaint was sent by the registered post, CSR has been assigned and even thereafter, no further action taken. Therefore, the State Human Rights Commission had concluded that since the complaint was against the policeman, the respondents have not

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acted upon the complaint. It is further held that the non-payment of the auto fare was a manifestation of the high-handedness of the police personnel.

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6. The failure to register the complaint forthwith and the failure to take prompt and proper action on the complaint amounted to sticking of responsibility vested on the second respondent. The third respondent being the Controlling Officer, was also held responsible for his failure to take proper and control over his subordinates namely Sub Inspector of Police and Grade-I Constable.

7. The evidence before the Human Rights Commission is the self-serving testimony of the complainant Tamilvengai and the evidence of the complainant's association, whose representative was admittedly not a witness to the incident. Neither the auto-boy, whom the first respondent alleged to have attacked or refused to pay auto fare has not been examined. The wife of the complainant, who claimed to have been travelling along with the complainant was not examined.

8. That apart, the non-payment of auto fare by a policeman and threatening the autoboy even if amounts to be highhandedness of the police, the person, who supposed to set the law in motion and prove the allegation, is not the complainant but the autoboy. Taking the other allegations one by one, we

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find that the complainant who assumed himself to be as an office-bearer of the Human Rights Association, without knowing the scope and ambit of the Act, had twisted his view of concocting facts and abusing the labour of the human rights association. Unfortunately, the State Human Rights Commission has failed to test the complaint in a proper manner and had exceeded its jurisdiction to bring the allegation within the scope and ambit of human rights violation, namely, the allegation of refusal to pay auto fare by a police.

9. We find that the second respondent had not committed any dereliction of duty, the complaint being a frivolous in nature and the person being an office-bearer of the Human Rights Association, had sought the view and direction of the superior officer, which in this case is very appropriate, since the complaint is not by the person affected, but a third party as whistle blower.

10. Insofar as the third respondent is concerned, he being the senior official had entertained the complaint by directing that CSR number be assigned and the matter be taken up for investigation. Without waiting for the outcome of the complaint, the 2nd respondent, Tamilvengai herein, has lodged the complaint without any adequate or substantial material or evidence to support his case. Hence, the learned Tribunal erred in allowed the same.



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11. As a result, all the Writ Petitions are allowed and the Order of the State Human Rights Commission in SHRC No.70 of 2009 dated 04.08.2011 is hereby set aside. No order as to costs. Consequently, connected Miscellaneous Petition(s) is /are closed, if any.

(Dr.G.Jayachandran, J.) (E.Manoharan, J.)
19.08.2026

Index:yes/no

Neutral citation:yes/no

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No.143, P.S.Kumarasamy Raja Salai,

2.The Principal Secretary to Government
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Dr.G.Jayachandran, J.
and
E.Manoharan, J.

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W.P.Nos.22064 and 22065 and 22066 of 2011
and
M.P.No.1 of 2011

19.08.2026