



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2026

CORAM

**THE HONOURABLE DR JUSTICE G. JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE E.MANOHARAN**

W.P.No.22950 of 2011

Mr. S.Saravanan,
S/o.Mr.N.Sargunaraj,
Sub-Inspector of Police,
No.AA/4, Sub-Inspector Quarters,
No.152, Arcot Road, Vadapalani,
Chennai-26. ... Petitioner

Vs.

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

2. J.Sreekanth,
S/o.J.S.R.Murthy,
No.33, Pillaiyar Koil Street,
Vadapalani,
Chennai-26. ... Respondents

Prayer: Writ Petition has been filed under Article 226 of Constitution of India, to issue Writ of Certiorari, calling for the records of the 1st respondent pertaining to the impugned order in SHRC.No.5955 of 2007 dated 04.08.2011 and quash the same.

For Petitioner: Mr.C.Jayavel,
for Mr.R.Ganesh Kumar.

For Respondents: No appearance

**ORDER**

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

The writ petition is filed seeking a writ of certiorari to quash the impugned order of the State Human Rights Commission passed in SHRC.No.5955, dated 04.08.2011.

2. The recommendation of the State Human Rights Commission reads as follow:-

One Thiru.M.Sreekath is the complainant. Thiru.Sethu, Assistant Commissioner of Police and Thiru.Saravanan, Sub-Inspector of Police attached to Vadapalani Police Station are the respondents 1 & 2 respectively. According to the complaint which was entertained by State Human Rights Commission, Tamil Nadu, the complainant/Sreekanth was a tenant under one Sadhana. On 19.05.2007, few henchman of his landlady came to the portion of his residence and threatened him to vacate the premises. In respect of the said incident, he gave complaint to the 2nd respondent which was not taken up for investigation. Hence, on 31.05.2007, he sent the complaint by registered post to the Commissioner of Police and also filed suit before the City Civil Court, Chennai, in O.S.No.3174 of 2007 seeking permanent injunction from restraining the landlord from evicting him without following due process of law. He also obtained interim injunction protecting his possession. While so, based on the



frivolous complaint given by the landlady Sadhana on 25.06.2007, he was arrested without following the guidelines laid down by the Hon'ble Supreme Court in D.K. Basu's case and was released on bail after four days. Alleging there was gross dereliction of duty violating his Human Rights by refusal of registering his complaint and for acting on a frivolous complaint given by the landlady and confined him in prison for more than four days, the complainant approached the Human Rights Commission alleging that he was both verbally and physically abused by the 2nd respondent. The Commission, after examining the witnesses and exhibits, held that the 2nd respondent, at the relevant point of time, had deliberately and designedly failed to register the F.I.R on the complaint given by the petitioner on 19.05.2007. Both the respondents demanded Rs.10,000/- each to take action upon the complaint. He has also verbally and physically attacked the complainant and they have acted in a biased and partial manner so as to aid and help the landlady namely, Saroja @ Sadhana in evicting him from the rented premises forcibly and unlawfully, all tantamount to Human Rights abuse.

3. The Learned Counsel appearing for the writ petitioner submitted that the complainant J.Sreekanth, was admittedly a tenant under Saroja @ Sadhana. Both the landlord and tenant were residing at same premises. The husband of landlady was living abroad. Whereas, the landlady was living along with her 10



years old daughter. While so, a complaint by the landlady Sadhana was received on 25.06.2007 alleging that her tenant, J.Sreekanth had trespassed into her portion of the house and made alluring sign and abused her verbally, thereby intimidating her. Hence, a case under Section 448 of I.P.C and Section 4 of Tamil Nadu Prohibition of Harassment of Women Act was registered, consequently the complainant, J.Sreekanth, was arrested and later let out on bail. Insofar as his alleged complaint dated 19.05.2007 is concerned, no such complaint was received and the allegations made as if for registering the complaint, bribe of Rs.10,000/- each demanded are wholly concocted.

4. The State Human Rights Commission, after consideration of the averments in the complaint, the content of the exhibits marked and the counter filed by the respondents, concluded that there was Human Rights violation committed by the respondents. Therefore, the Commission recommended payment of Rs.1,00,000/- as compensation, which has to be recovered from the respondents 1 & 2 equally.

5. The short point for consideration is whether any incident took place on 19.05.2007 as alleged by the complainant, J.Sreekanth and whether there was any dereliction of duty in registering the said complaint.



6. To ascertain whether any incident, as alleged occurred on 19.05.2007, there must be some documents for Commission or to the Court to appreciate.

Unfortunately, in this case, no document filed by the complainant to substantiate that some incident took place on 19.05.2007 and that he reduced the same into writing and gave to the 1st respondent for registration of the complaint but same was refused. The earliest document in this case appears to be the complaint dated 31.05.2007, sent by registered post to the Commissioner of Police and thereafter, the interim injunction granted in I.A.No.8833 of 2007 in O.S.No.3174 of 2007 by the City Civil Court, Chennai, in the suit filed by the complainant seeking bare injunction. Contrarily, there is a written complaint by the landlady, Saroja@Sadhana, which captures the misdeeds of the complainant in trespassing into the portion of his landlord and harassing her.

7. The case in Crime No.978 of 2007 was registered by R8, Vadapalani Police Station, on 25.06.2007 as against the complainant, J.Sreekanth, for offences under Section 448 of I.P.C and Section 4 of the Tamil Nadu Prohibition of Harassment of Women Act. The said complaint, after investigation, culminated in C.C.No.5630 of 2007, on the file of XVII Metropolitan Magistrate, Saidapet. The final report in this case against the complainant, J.Sreekanth, was filed on 05.07.2007. Thereafter, the complaint before the State Human Rights Commission lodged by J.Sreekanth on 27.07.2007.



8. Thus, it is obviously clear that the complaint before the State Human Rights Commission been engineered by the complainant, J.Sreekanth, after the police completed the investigation on the complaint given by the landlady and filed the final report. The State Human Rights Commission, ignoring the sequence of events and non-filing of the copy of the alleged complaint dated 19.05.2007, has erroneously held that there was violation of human rights in registering the complaint against Thiru.J.Sreekanth for the alleged offence of criminal trespass and harassment to a woman.

9. We find that the order of the State Human Rights Commission is perverse and unsustainable in the eye of law.

10. In the result, the order of the State Human Rights Commission in SHRC.No.5955 of 2007 is set aside. The Writ Petition is allowed. There shall be no order as to costs.

(Dr. G.JAYACHANDRAN, J.) & (E.MANOHARAN, J.)
19-08-2026

Index :Yes/No.
Speaking/Non-speaking order
Neutral Citation :Yes/No.
bsm



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To,
The Registrar,
Tamil Nadu State Human Rights Commission,
No.143, P.S.K. Raja Salai (Greenways Road),
Chennai-28.



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Dr. G.JAYACHANDRAN, J.
AND
E.MANOHARAN, J.
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