

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.09.2015

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THE HON'BLE MR. JUSTICE M.M.SUNDRESH

W.P.Nos.5050, 6614 and 6615 of 2001

W.P.No.5050 of 2001:

J.John Rose

... Petitioner

Vs.

1. The Presiding Officer,
Tamil Nadu State Human Rights Commission,
Chennai - 600 014,

2. The Government of Tamil Nadu,
rep.by its Secretary to Government,
Home Department,
Fort St.George, Chennai - 600 009.

... Respondents

W.P.No.6614 of 2001:

T.Pauldhas

... Petitioner

Vs.

1. The Chair Person,
Tamil Nadu State Human Rights Commission,
Royapettah, Chennai - 14,

2. The Government of Tamil Nadu,
rep.by its Secretary to Government,
Home Department,
Fort St.George, Chennai - 600 009.

3. P.Rajamani, President, Nadar Maha Sabai,
Melakattimancode,
Kuttymoncode, Kanyakumari District.

4. K.Rajan,

5. T.Suresh Gandhi

6. T.Ayyappan

7. P.Selvamani

8. M.Isakimuthu

9. Ayyapalam @ Natarayanan,

10. S.Muthiah,

11. Kasthuribai,

12. Ramasundaram

... Respondents

Respondent No.3 is impleaded as a party as per order dated 20.8.2001 made in W.M.P.No.19557 of 2001.

Respondents No.4 to 12 are impleaded as parties as per order dated 3.9.2003 in W.P.M.P.No.760 of 2002.

W.P.No.6615 of 2001:

C.Latcham

Vs.

... Petitioner

1. The Chair Person,
Tamil Nadu State Human Rights Commission,
Royapettah, Chennai - 14,

2. The Government of Tamil Nadu,
rep.by its Secretary to Government,
Home Department,
Fort St.George, Chennai - 600 009.

3. P.Rajamani, President, Nadar Maha Sabai,
Melakattimancode,
Kuttymoncode, Kanyakumari District.

4. K.Rajan,
5. T.Suresh Gandhi
6. T.Ayyappan
7. P.Selvamani
8. M.Isakimuthu
9. Ayyapalam @ Natarayanan,
10. S.Muthiah,
11. Kasthuribai,
12. Ramasundaram

... Respondents

Respondent No.3 is impleaded as a party as per order dated 20.8.2001 made in W.M.P.No.19556 of 2001.

Respondents No.4 to 12 are impleaded as parties as per order dated 3.9.2003 in W.P.M.P.No.761 of 2002.

Prayer: Petitions are filed under Article 226 of The Constitution of India praying to issue a writ of certiorari to call for the records of the first respondent made in S.H.R.C.Case No.65/98/RRS dated 3.12.2000 and quash the same as null and void, illegal and invalid as far as the 'recommendations' made against the petitioner is concerned.

For Petitioner	: Mr.A.Amalraj
in W.P.No.5050 of	
2001	
For Petitioner	: Mr.M.A.Rua
in W.P.Nos.6614	
and 6615 of 2001	
For Respondents	: Mr.A.Kumar for R.2
in all W.Ps	

COMMON ORDER

Learned counsel appearing for the petitioners submitted that without hearing the petitioners an adverse order has been passed. However, as of now, no adverse action has been taken against the petitioners. The order

passed by the 1st respondent is only recommendatory and it is for the Government to pass orders. Learned Government pleader submitted that the records available would show that the petitioners are not at fault. He also made reliance upon counter affidavit filed in this regard. This Court has got predicament since the complainant has not been made a party. At this point of time this Court is not inclined to adjourn the matter any further for the reason that the Government is not likely to take action.

2. Accordingly, the writ petitions are disposed of by giving liberty to the petitioners to challenge the recommendations of the 1st respondent, if such action arises in the event of Government taking appropriate action against the petitioners accepting the recommendations of the 1st respondent. No costs.

Index : Yes/No

23.09.2015

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To

1. The Presiding Officer,
Tamil Nadu State Human Rights Commission,
Chennai - 600 014,

2. The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

M.M.SUNDRESH, J.

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