

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 02.12.2015

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and
The Honourable Mr.Justice PUSHPA SATHYANARAYANA

Writ Petition No.27874 of 2012

P.Sujan Sundari Petitioner

Versus

1. T.N.State Human Rights Commission
represented by its Registrar,
No.143, P.S.Kumarasamy Raja Salai,
Chennai 28.
2.Masilamani
3.Ramesh
4.Pratab.

..... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorari, calling for the records relating to the order passed by the 1st respondent in case number of 5037 of 2012 dated 6th August, 2012 and quash the same and consequently direct the 1st respondent to conduct full fledged enquiry on the petitioner's complaint dated 20th June, 2012 to the 1st respondent.

For Petitioner : Mr.Sirajudeen
for M/s.Siraj and Siraj

For Respondents : Mr.STS.Murthi
Government Pleader

O R D E R

(The Order of the Court was made by The Hon'ble The Chief Justice)

The wife of the person detained had filed the petition before the State Human Rights Commission alleging illegal detention of her husband. The subsequent events are that he was released and learned counsel for the petitioner states that he is facing trial in more than one case, but the question is whether there was a proper detention qua the four days' period when he was not traceable.

2. The submission of the learned counsel for the petitioner is that the complaint has been closed by forwarding it to the Superintendent of Police for necessary action and that is not the manner in which the complaint could have been closed by the State Human Rights Commission as it should have either obtained the report from the Police first or made an independent enquiry considering exigency of the situation.

3. In the given situation, we are of the view, the appropriate order by this court would be to set aside the impugned order dated 06.08.2012 and ask the Police authorities to place their report before the State Human Rights Commission which may then consider as to what action, if any, is required in the matter. The report of the Police be submitted within a period of two months of the receipt of the copy of this order to the Human Rights Commission.

4. The writ petition accordingly stands allowed. No costs.

ksr

Sd/-

Assistant Registrar (Judicial)

/TRUE COPY/

Sub-Assistant Registrar

To

1 The Registrar,

T.N.State Human Rights Commission
No.143, P.S.Kumarasamy Raja Salai,
Chennai 28.

2 THE SUPERINTENDENT OF POLICE,
THIRUVALLUR & DISTRICT

+1CC to Govt.Pleader SR.NO.65545

W.P.No.27874 of 2012

SAI (CO)

SD 15/12/2015