

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2015

CORAM

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

W.P.No.43296 of 2002

M.T.Raju

... Petitioner

Vs.

1. Tamil Nadu State Human Rights Commission,
Royapettah High Road, Chennai,

2. Selvaraj

3. Balamurugan

4. K.Subramaniam

5. P.Paramasivam

6. R.M.Kumar

7. Rangasamy

8. S.Paneerselvam

... Respondents

Petition filed under Article 226 of The Constitution of India praying to issue a writ of certiorarified mandamus to call for the records relating to the proceedings of the first respondent in SHRC No.385 of 1998/RSS dated 8.12.2000 and quash the same and direct the first respondent herein to consider the case of the petitioner afresh.

For Petitioner : Mr.C.Godwin

For Respondents : Mr.R.Sundaram for R.1
Mr.S.M.Subramaniam for RR.2 to 8

O R D E R

The petitioner gave a complaint stating that the respondents 1 to 8 without any reason attacked the general public and when it was questioned by the petitioner he was also attacked and thereafter the petitioner was taken to the police station, in which he was once again beaten.

2. The complaint made by the petitioner was dismissed by the 1st respondent - State Human Rights Commission on the

ground that there are many discrepancies in his petition. Though in his evidence he has stated that he was stripped and tied with a chain the same has not been mentioned in the complaint. The petitioner has also admitted in the cross examination that the 2nd respondent herein did not have any stick or weapon with him. The medical examination also showed the contradiction in the statement given by the petitioner with respect to the timing. The witnesses examined by the petitioner have not spoken about the actual occurrence. One Rajesh, who filed the affidavit, also did not specifically state that the police beat him or the petitioner/complainant. Thus, on a consideration of the above, the complaint given by the petitioner was dismissed. The review filed by the petitioner against the said order was also rejected thereafter.

3. Though the learned counsel for the petitioner submitted that in the medical examination injuries were noted, the same was also considered by the 1st respondent - Commission, apart from that the other materials including the affidavit filed by Mr. Rajesh. The said Rajesh also stated that though it is the petitioner who attempted to attack the police officials the Commission has also taken note of the inconsistency in the statement made by the petitioner. It is trite that in a writ of certiorari this court is concerned with the decision making process rather than the decision. Therefore, no ground is made out by the petitioner to exercise the power of judicial review. Hence, the writ petition is dismissed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

1. Tamil Nadu State Human Rights Commission,
Royapettah High Road, Chennai.

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RSI (CO)
CA(15/12/2015)