

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.01.2016

CORAM

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE
AND

The Hon'ble MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.23917 of 2011

D.Kumutha

.. Petitioner

Vs.

1. State Human Rights Commission, Tamilnadu
rep. by its Assistant Registrar (Law),
"Thiruvaram",
No.143, P S Kumarasamy Raja Salai,
(Greenways Road),
Chennai-600 028.

2. The Superintendent of Police,
Kancheepuram District.

3. M.Vavoocee

4. Rathna

5. Saidai Duraisamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus calling for the records relating to Case No.3449 to 3451 of 2011 dated 18.05.2011 on the file of the first respondent and quash the same and further direct the first respondent to conduct the enquiry under Section 16(b) of State Human Rights Commission Tamilnadu (Procedure) Regulations 1997.

For Petitioner : Mr.K.Elangoo

For Respondents : Ms.Bhavani Subborayan for R1
Mr.STS.Moorthy
Government Pleader
assisted by
Mr.V.Shanmugasundar
Govt. Advocate for R2

* * * * *

ORDER

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

On the complaint of the petitioner, the impugned order has been passed by the State Human Rights Commission referring the matter to the Superintendent of Police, Kancheepuram District to take action in the matter.

2. The grievance of the petitioner is that the procedure as envisaged under Section 16(b) of the State Human Rights Commission Tamil Nadu (Procedure) Regulations, 1997 has not been followed, as the complaint ought to have been looked into by the Commission itself or by the investigating agency attached to the Commission.

3. There appears to be substance in the grievance made by the petitioner, but we are not inclined to interfere with the impugned order in exercise of the jurisdiction under Article 226 of the Constitution of India on account of the facts stated hereinafter.

4. The petitioner claims that she was being harassed by the persons who were running IAS Coaching Centre and Women hostel to grab the tenancy rights over the premises which she was in occupation. It is an admitted position that the petitioner does not own the property and has occupied the Government poramboke land. No patta had been issued to the petitioner, nor has it been issued in favour of anyone else till date. The petitioner thus does not have any right which she could have given to any third party. It appears that really there is some obstruction on account of the fencing carried out by respondent Nos.3 and 4. We may note that the issue also pertains to the period beginning 2011 - five years ago.

5. We are, thus, of the view that really speaking, the grievance of the petitioner is only in the nature of a dispute relating to the unauthorised construction by the petitioner and her occupation of the Government land.

6. The writ petition is dismissed. No costs.
bbr
s/d-
Assistant Registrar (CS-VI)

True Copy

Sub-Assistant Registrar

To

1. The Assistant Registrar (Law),
State Human Rights Commission, Tamilnadu,
"Thiruvarangam",
No.143, P S Kumarasamy Raja Salai,
(Greenways Road),
Chennai-600 028.

2. The Superintendent of Police,
Kancheepuram District.

+ 1 cc to Govt.Pleder SR 5131

+ 1 cc to Mr.V.Bharani Subarayan, Advocate SR 4682

+ 1 cc to Mr.K.Elango, Advocate SR 4680

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W.P.No.23917 of 2011



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