

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 13.06.2016

Coram:

The Honourable Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

The Honourable Mr.Justice R.MAHADEVAN

W.P.No.17759 of 2016

R.Saravanan

... Petitioner

Versus

1.The State Human Rights Commission
of Tamil Nadu
represented by its Registrar,
No.143, P.S.Kumarasamy Raja Salai,
Chennai 600 028.

2.S.Stephen

3.The Director General of Police,
Mylapore,
Chennai.

(R.3 impleaded suo-motu
by order dated 13.06.2016 by CJ & RMDJ)

... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issue of a writ of Certiorari, to call for the records of the 1st respondent's impugned order in SHRC Case No.10775 of 2012/C2 dated 09.02.2016 and to quash the same as illegal.

For Petitioner :::Mr.M.Purushothaman

For Respondents :::Mr.S.T.S.Moorthy

Government Pleader R.3

Assisted by Mr.V.R.Kamalanathan AGP

O R D E R

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

We have heard the learned counsel for the petitioner. It cannot be disputed before us that the petitioner has been given adequate opportunity to cross examine the second

respondent/complainant. In fact, the petitioner has appeared and disappeared from the proceedings at his own will.

2. The Director General of Police, Mylapore, Chennai, is impleaded as third respondent. Memo of parties is amended accordingly.

3. Learned counsel for the petitioner, faced with this position, does not press the writ petition except to the extent that he states that since he was set exparte in the disciplinary proceedings and action was initiated against him as directed by the impugned order, the same should proceed on the basis of the materials to be produced by him in defence uninfluenced by the findings of the Commission.

4. To the aforesaid limited extent, we are inclined to accept the plea of the learned counsel for the petitioner, who states that the compensation will be deposited with the State Government within one month from today and the State Government will of course ensure that the compensation is paid to the second respondent.

5. The disciplinary proceedings initiated against the petitioner in pursuance to the impugned order will be held uninfluenced by the ex parte findings given by the State Human Rights Commission, though the petitioner himself is to be blamed for that position. We have proceeded to pass this order as the learned counsel for the petitioner has pointed out that the second respondent in fact admitted his guilt in pursuance to the charge sheet filed and was fined and the complaint was filed only two months thereafter.

6. The writ petition accordingly stands disposed of in the aforesaid terms, leaving the parties to bear their own costs. Consequently W.M.P.No.15441 of 2016 is closed.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

To

1.The Registrar,
State Human Rights Commission of Tamil Nadu
No.143, P.S.Kumarasamy Raja Salai,
Chennai 600 028.

2.The Director General of Police,
Mylapore,
Chennai.

2 ccs to Mr.M.Purushothaman, Advocate, sr.32455
1 cc to The Government Pleader, sr.32306

W.P.No.17759 of 2016

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