

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.2078 of 2016

C.Alaguraj

... Petitioner

vs.

1. The Registrar,
State Human Rights Commission,
No.143, Thiruvarangam Maaligai,
Near Adayar, Sathya Studio,
Chennai 600 028.

2. The District Revenue Officer,
Zone -13, Chennai Corporation,
Adayar, Chennai 600 020.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the second respondent to conduct proper enquiry on the petitioner's representation dated 16.11.2015 and on the basis of the petitioner's complaint in Tamil Nadu Human Rights Commission, Tamil Nadu Case No.6512/2015 dated 07.08.2015 within stipulated time.

For Petitioner : Mr.P.Murali

For Respondents : Mr.P.Sanjay Gandhi, AGP (R1)
Mr.P.V.Selvakumar (R2)

ORDER

The petitioner has come up with the present writ petition for a mandamus, directing the second respondent to conduct proper enquiry on the petitioner's representation dated 16.11.2015 and on the basis of the petitioner's complaint in Tamil Nadu Human Rights Commission, Tamil Nadu Case No.6512/2015 dated 07.08.2015 within stipulated time.

2. It is the case of the petitioner that he has purchased a property on 13.12.2012 from one Manokaran, who was residing at No.2/20, 1st Main Road, Velachery, Chennai. After one month from the date of purchase, the petitioner was asked to

come to the office of one Saravanan, who is the Councillor of 177th Ward and accordingly, he went there. The said Saravanan demanded Rs.5 lakhs for obtaining patta and getting permission from the authority concerned for constructing a building and in case of failure, promised to return the said amount. Believing his words, the petitioner has given Rs.5 lakhs by pledging his wife's jewels and borrowing money from other sources to him. However, the said Saravanan has failed to fulfill his promise and also evaded to answer the petitioner.

3.It is the further case of the petitioner that while so, the petitioner was asked to come to the office of the said Saravanan and on 06.08.2015, the petitioner along with his brother by name Nagarajan went to the office of the said Saravanan, where, he threatened the petitioner to give back the property, whereas the petitioner asked to return back Rs.5 lakhs. During the course of such argument, Saravanan attacked the petitioner. When the same was questioned by his brother Nagarajan, Saravanan called his associates, who brutally attacked the petitioner as well as his friend Murugappan. In the said incident, the petitioner, his brother and also his friend were severely injured and the petitioner was admitted in Royapettah Government Hospital. In this regard, the petitioner made a complaint to the first respondent on 07.08.2015 and the same was taken on file as Case No.6512 of 2015 by the first respondent and the second respondent was directed to conduct enquiry against the said Saravanan. The first respondent also sent a letter dated 13.09.2015 to the second respondent, who inturn issued a summon dated 04.11.2015 to the petitioner, calling upon him to appear for enquiry on 16.11.2015. Accordingly, the petitioner appeared before the second respondent on 16.11.2015. However, the second respondent did not turn up. Hence, the petitioner made a representation dated 16.11.2015 to the second respondent. However, till date, no order has been passed by the second respondent. Therefore, the petitioner has filed the present petition for the above stated relief.

4. Heard the learned counsel for the petitioner and the learned counsel appearing for the respondents 1 and 2.

5. Considering the facts and circumstances of the case, without going into the merits of the claim made by the petitioner, this Court directs the second respondent to conduct enquiry on the petitioner's representation dated 16.11.2015 in connection with Tamil Nadu Human Rights Commission Case No.6512/2015, by affording an opportunity of personal hearing to all the parties and pass appropriate orders. It is made clear that this Court is not expressing any opinion with regard to the merits of the claim made by the petitioner and it is for the second respondent to pass appropriate orders purely on merits

and in accordance with law. The entire exercise shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

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To

1. The Registrar,
State Human Rights Commission,
No.143, Thiruvarangam Maaligai,
Near Adayar, Sathya Studio,
Chennai 600 028.

2. The District Revenue Officer,
Zone -13, Chennai Corporation,
Adayar, Chennai 600 020.

+ 1 cc to Mr.P.Murali, Advocate SR 6669

+ 1 cc to Mr.P.V.Selvakumar, Advocate SR 6295

kji(co)
prk17/2

W.P.No.2078 of 2016

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