

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2016

CORAM :

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

AND

The Hon'ble MR.JUSTICE R.MAHADEVAN

W.P. No.24584 of 2016
and W.M.P.No.21001 of 2016

Dr.Saravanan Karuppasaamy
Chairman cum Editor-in-Chief,
World Human Rights Commission &
Rescue Center(WHRC)
Akila Ulaga Manitha Unrimaikal Padhukappu
Aanaiyam (AVMUPA),
New Delhi 110077. ... Petitioner

-VS-

Tamil Nadu State Human Rights
Commission, Through its Secretary,
Thiruvaramangam, No.143, P.S.Kumarasamy
Raja Salai (Greenways Road),
Chennai 600 028. ... Respondent

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorarified Mandamus to call for the records of the impugned order dated 11.03.2009 passed by the respondent vide D.O.Lr.NO. 1014/SHRC/2009 and quash the same and direct the State Human Rights Commission, Tamil Nadu to pay a mandatory compensation of Rs. 50 00 000/- (Fifty Lakhs) to the petitioner for being instrumental in the severe harassment and torture handed over to the petitioner by the CB-CID OCU

For Petitioner : Dr.Saravanan Karuppasaamy
Party-in-person

For Respondent : Mr.S.T.S.Murthi,
Govt. Pleader, assisted by
Mr.V.Shanmugasundar, G.A.

O R D E R

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

An unfortunate incident took place on 12.11.2008 at Dr.Ambedkar Government Law College, Chennai, where a group of 28 delinquent students with lathies, etc., are stated to have brutally attacked and critically injured the co-students. This issue was taken up by the petitioner by approaching the National Human Rights Commission, vide letter dated 12.11.2008 complaining that the State Human Rights Commission is not bothering about the incident. The petitioner concedes that the National Human Rights Commission ultimately did not take up the enquiry as the State Human Rights Commission was looking into the matter. In this behalf, at the threshold of the hearing, the petitioner showed us a CD of the incident to substantiate that the police was standing by the wayside not intervening in the dispute.

2.However, this unfortunate incident is a separate issue while actually what the petitioner seeks quashing of through the present petition is a communication addressed by the State Human Rights Commission to the Director General of Police calling for an enquiry to be held on the alleged stay of the petitioner in the Circuit House, Coimbatore, by using the name of State Human Rights Commission and calling upon to have the case registered in respect thereof in Crime No.191 of 2009 in the Coimbatore City to be transferred to the CBCID. This letter is now sought to be quashed by approaching this Court after seven years of issuance of the letter.

3.On our query as to what is the basis of the same, the petitioner appearing in person states that the Hon'ble Supreme Court was in seizin of the comprehensive dispute relating to the incident as well as the grievance of the petitioner being W.P. Civil No.400 of 2010 filed by the petitioner decided on 16.09.2014. In those proceedings, the counter-affidavit filed by the State Human Rights Commission stated that the said communication was addressed in view of a news item which appeared on 10.02.2009 in a Tamil daily disclosing about the stay of the petitioner and with the object of protecting innocent people falling prey and getting trapped by such organisation, the organisation being labelled as ''World Human Rights Commission and Rescue Centre'', of which the petitioner claims to be the President and the petition has also been filed in that capacity. It has also been averred in the affidavit that assuming the sending of the letter was without any power of authority, yet it was done in a larger public interest and thus, that act may be condoned by the Court.

4.The petitioner has, thereafter, invited our attention to the judgment of the Hon'ble Supreme Court passed on that petition. Large part of the petition deals with the issue relating to the incident. The petitioner canvassed that the State Human Rights Commission had not taken steps promptly regarding law college incident and that personal harassment has also been caused to the petitioner. In so far as the issue of personal harassment to the petitioner is concerned, that aspect has been dealt with in para 22 of the judgment of the Hon'ble Supreme Court and reads as under:

'22. So far as the grievance of the petitioners as regards registration of false cases against them is concerned, it is stated that on the complaint lodged by Reception Officer of the Circuit House Coimbatore, a criminal case has been registered against the first petitioner in Crime No.191/2009 in B4 Race Course Police Station, Coimbatore City under Section 420 IPC. Organized Crime Unit (OCU) CB-CID has registered a case in Crime No.1/2009 against the petitioners on the complaint of one Krishnakumar for the alleged act of cheating. In both the cases, charge-sheets have been filed before the Chief Judicial Magistrate Court, Coimbatore which were taken on file in CC 84/2010 and 83/2010. Both the petitioners have filed quash petitions under Section 482 Cr.P.C. before the High Court of Madras to quash the charges against them in Criminal O.P.Nos.14609 & 14610/2011 and 14611 & 14612/2011 and obtained interim stay and quash petitions are stated to be pending. Since the petitioners have already filed petitions under Section 482 Cr.P.C., the petitioners are at liberty to raise all contentions before the High Court in those petitions filed by them.'

5.A reading of the aforesaid makes it abundantly clear that the petitioner has the benefit of interim direction in respect of the crime cases registered against him in the proceedings initiated before this Court under Section 482 of the Cr.P.C. As far as the issuance of the letter by the State Human Rights Commission is concerned, the petitioner has been given 'liberty to raise all contentions before the High Court in those petitions filed by them' (emphasis supplied). Thus, the liberty to the petitioner is to raise this issue in the proceedings which are already pending. On our query, the petitioner states those proceedings are still pending.

6.We are, thus, of the view that a separate petition sought to be filed by the petitioner as it seeks to assail an order passed by the State Human Rights Commission would not be

maintainable and if the petitioner wants to raise this grievance qua that letter, that would have to be an exercise in the proceedings filed by the petitioner under Section 482 of the Cr.P.C.

7.Writ petition is dismissed with the aforesaid liberty. No costs. Consequently, W.M.P.No.21001 of 2016 is also dismissed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

sra

To

The Secretary,
Tamil Nadu State Human Rights Commission Thiruvalayam,
No.143, P.S.Kumarasamy Raja Salai
(Greenways Road), Chennai 600 028.

1 cc to Dr.Saravanan Karuppasamy, Advocate, sr.40017

1 cc to Government Pleader, sr.40253

W.P.No.24584 of 2016

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