



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:08.08.2016

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THE HONOURABLE MR.JUSTICE M.VENUGOPAL

Writ Petition (MD). No.14246 of 2016

A.Villava Rayan

... Petitioner

Vs.

1.The State Human Rights Commission
rep. By its Secretary,
Thiruvarangam,
143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-28.

2.The District Collector,
Tirunelveli,
Tirunelveli District.

3.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

... Respondents

Prayer:-Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent herein to consider and pass orders on the petitioner's representation dated 23.01.2016 seeking to conduct the enquiry and pass orders as per the 1st respondent's order dated 02.12.2014 in SHRC Case No. 7598 of 2014.

For Petitioner	:Mr.A.Ajith Geethan
For Respondents	:Mr.J.Gunaseelan Muthiah Govt. Advocate for RR-2 & 3

O R D E R

Heard both sides.

2. By consent, the main writ petition itself is taken up for final disposal.

3. No counter is filed on behalf of the respondents.

<https://hcservices.ecourts.gov.in/hcservices/>

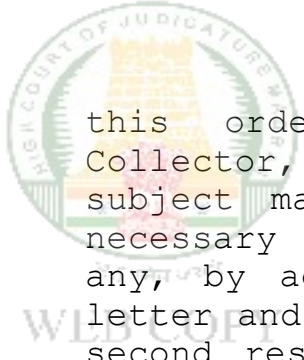
4. According to the petitioner, the first respondent/State Human Rights Commission in SHRC Case No.7598 of



2014, on 02.12.2014, had directed the second respondent/District Collector, Tirunelveli, to enquire into the matter and take necessary action. The grievance of the petitioner is that his original RC book was kept in Bank and he approached the Revenue Divisional Officer, Cheranmahadevi with attested copy of RC Book, Notary's letter along with Rs.15,000/-. But the Revenue Divisional Officer rejected his request and refused to release the vehicle without original RC Book, even though the attested RC Book was produced before him. Further, the petitioner approached the Bank for getting the original RC Book and the Bank had also instructed him that original RC Book would be handed over to him only on payment of remaining loan amount. Since he is an agriculturist, he could not pay the remaining loan amount immediately, therefore, he is not in a position to recover his tractor from the Revenue Divisional Officer. His tractor is remaining idle for more than one year and now, the same is damaged.

5. It comes to be known that the Revenue Divisional Officer, Cheranmahadevi sent a letter on 22.07.2014 to the petitioner stating that his tractor would be released on production of original or xerox copy of RC Book of tractor. Before the receipt of the said letter, the petitioner approached the Revenue Divisional Officer several times with xerox copies of RC Book. But he strongly refused to release the vehicle without original RC Book. In fact, the petitioner submitted a complaint on 27.10.2014 before the first respondent/State Human Rights Commission, against the Revenue Divisional Officer, Tahsildar and Regional Deputy Tahsildar. The first respondent had registered a case in SHRC Case No.7598 of 2014 and directed the second respondent/District Collector, Tirunelveli District for conducting an enquiry and take necessary action, as per letter dated, 02.12.2014. The third respondent/Sub-Collector, Cheranmahadevi, Tirunelveli District issued summons on 08.06.2015 and conducted enquiry on 15.06.2015, in which, the petitioner attended the enquiry on 15.06.2015. However, no orders have been passed till date. Therefore, the petitioner made a representation on 23.01.2016 to the second respondent/District Collector, Tirunelveli District to take necessary action, as per order of the first respondent. However, till date, the respondents have not passed any orders. Hence, he has filed the present writ petition.

6. Considering the fact that the petitioner's representation dated 23.01.2016 is pending before the second respondent/District Collector, Tirunelveli District, this Court, at this stage, without traversing upon the merits and contents of the representation of the petitioner dated 23.01.2016, simpliciter, in the interest of Justice and Fair Play, directs the second respondent/District Collector, Tirunelveli District, to look into the representation of the petitioner dated 23.01.2016, within a period of one week from the date of receipt of copy of



this order. Thereafter, the second respondent/ District Collector, Tirunelveli District shall pass necessary orders in the subject matter in issue on merits (of-course, after providing necessary opportunity to the petitioner and others concerned, if any, by adhering to the principles of Natural Justice in true letter and spirit), within a period of three weeks. In case, the second respondent/District Collector, Tirunelveli District is in requirement of any copy of record/document or original copy of any record/document, then, the same may be called for from the petitioner by means of notice or issuance of memo and in this regard, the petitioner, soon after receipt of the said notice or memo, is also required to lend his assistance and co-operation to the second respondent/District Collector, Tirunelveli District, so as to enable the latter to do the needful in the subject matter in issue, within the time determined by this Court.

7. With the aforesaid observation(s) and direction(s), the writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Record)

/True Copy/

Sub Assistant Registrar-

To

1.The Secretary,
State Human Rights Commission
Thiruvarangam,
143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-28.

2.The District Collector,
Tirunelveli,
Tirunelveli District.

3.The Sub-Collector,
Cheranmahadevi,
Tirunelveli District.

+1cc to M/S.A.Ajith Geethan, Advocate SR.No.42838
+1cc to Special Government Pleader SR.No.42902

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