

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 11.04.2018

CORUM

THE HON'BLE MR.JUSTICE R.SUBBIAH
and
THE HON'BLE MR.JUSTICE P.D.AUDIKESAVALU

W.P.No.7923 of 2018
and
W.M.P.No.9875 of 2018

S.Sikander

... Petitioner

Vs.

1.Tamil Nadu State Human Rights Commission,
rep. by its Members,
143, P.S.Kumarasamy Salai (Greenways Road),
Chennai-600 028.

2.Niveditha

... Respondents

Writ Petition has been filed under Article 226 of Constitution of India praying for issuance of a writ of Certiorari Mandamus to call for the records relating to the impugned order dated 13.03.2018 passed in SHRC Case No.3384/2014 by the 1st respondent and to quash the same and consequently, to direct the 1st respondent to permit the petitioner to examine witnesses on their side.

For Petitioner : Mr.M.Deivanandam

For Respondents : Mr.K.V.Sajeev Kumar (for R1)

* * * * *

ORDER

(Order of the Court was delivered by **R.SUBBIAH, J.,**)

This writ petition has been filed by the petitioner seeking to quash the impugned order dated 13.03.2018 passed by the 1st respondent in SHRC Case No.3384/2014 and to direct the 1st respondent to permit the petitioner to examine witnesses on their side.

2.It is stated that the petitioner herein is the 4th respondent in the case in SHRC Case No.3384 of 2014 on the file of the 1st respondent. By the impugned order dated 13.03.2018, the 1st respondent has dismissed the petition filed by the petitioner herein under Order 16 Rules 1 & 2 of CPC seeking to summon three witnesses viz., 1)Sajid Khan 2)Sudhan & 3)Meeras Sahib to speak about the happening that took place on 18.05.2014. The reason assigned by the 1st respondent for dismissing the petition is that though the case is pending for the past four years for the evidence of the respondents therein, they were not ready to examine the witnesses on their side and they are dragging the matter and that the petition was filed only to drag on the matter endlessly.

3.Today, when the matter is taken up, the learned counsel for the petitioner submitted that the petitioner would examine a witness viz., S.Karunakaran, Inspector of Police, (2nd respondent in SHRC Case No.3384 of 2014 on the file of the 1st respondent) during the hearing tomorrow and thereafter, the other three persons (mentioned supra) would be examined as witnesses.

4. Heard the learned counsel for the 1st respondent also.

5. In view of the submission made by the learned counsel for the petitioner, in the interest of justice this Court is inclined to pass the following order:-

i) The impugned order is set aside and the matter is remanded back to the 1st respondent.

ii) The petitioner herein shall initially examine the 2nd respondent in SHRC Case No.3384 of 2014 viz., S.Karunakaran, Inspector of Police, as a witness on tomorrow itself viz., 12th April 2018.

iii) So far as the other three witnesses are concerned, the 1st respondent shall issue summons to other three witnesses by fixing a specific date within a period of one month, after completion of examination of the 2nd respondent herein.

With the above terms, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed. No costs.

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(R.P.S.J.,) (P.D.AJ.,)

11.04.2018

Internet : Yes / No

Index : Yes / No

NOTE:- Issue Today

**R.SUBBIAH, J.,
and
P.D.AUDIKESAVALU, J.,**

(ssv)

To,
The Member,
Tamil Nadu State Human Rights Commission,
143, P.S.Kumarasamy Salai (Greenways Road),
Chennai-600 028.



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