

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 24.08.2018****CORAM:****THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN****C.R.P. (PD) (MD) No.1839 of 2018****and****C.M.P. (MD) No.8045 of 2018**

A.K.Khaja Najimudeen

... Petitioner/ Petitioner /
Proposed Respondent No.4

-vs-

1.A.K.Kaiser

... 1st Respondent / 1st Respondent /
Petitioner

2.Ashok Kumar

3.Gunasekaran

4.Latha

... Respondents 2 to 4 / Respondents 2 to 4/
Respondents 1 to 3

PRAYER: Civil Revision Petition filed under Article 227 of Constitution of India, praying to set aside the order of rejection dated 19.06.2018 made in I.A.No. unnumbered of 2018 in Original Petition No.3912 of 2016/C2 on the file of the Tamil Nadu State Human Rights Commission, Chennai and direct to number the same and allow this Civil Revision Petition.

For Petitioner : Mr.P.Arun Jayatram

For Respondents : Mr.M.Karuppasamy,
Government Advocate.**O R D E R**

The first respondent herein filed a petition against three police authorities, who are shown as the respondents 2 to 4, before the Tamilnadu State Human Rights Commission, Chennai. In the said petition, the revision petitioner herein wanted to implead himself as the fourth respondent. The petitioner's attempt was repelled by the Commission. The same is questioned in this Civil Revision Petition.

2. Heard the learned counsel for the petitioner, who reiterated the grounds set out in the memorandum,.

3. I am of the view that the State Human Rights Commission rightly negatived the plea of the revision petitioner herein to get himself impleaded as the fourth respondent in the proceedings. The reason is obvious. The contest is between the person, who claims to be the victim, on the one hand and police authorities on the other. The first respondent, as the complainant, has not claimed any relief against the revision petitioner herein. Therefore, the revision petitioner's presence is absolutely unnecessary for the adjudication of the issue raised before the Commission.



4. The learned counsel for the revision petitioner drew the attention of this Court to Section 13(2) of the Protection of Human Rights Act, 1993. The said provision reads as under:

13.Powers relating to inquiries:

(2) The Commission shall have power to require any person, subject to any privilege which may be claimed by that person under any law for the time being in force, to furnish information on such points or matters as, in the opinion of the Commission, may be useful for, or relevant to, the subject-matter of the inquiry and any person so required shall be deemed to be legally bound to furnish such information within the meaning of Section 176 and Section 177 of the Indian Penal Code (45 of 1860).

5. It is true that if the Commission wants, it can call upon the revision petitioner herein to tender evidence. In such event, the revision petitioner would be obliged to comply with the said summon. The said provision has a bearing only on the power of the Commission and not on the right of the petitioner herein. The petitioner herein has no right to implead himself in the proceedings pending before the Commission.

6. Finding no merit, this Civil Revision Petition is dismissed. No costs. Consequently, connected C.M.P.(MD) No.8045 of 2018 is closed.

Sd/-

Assistant Registrar(W)

/True Copy/

Sub Assistant Registrar(CS-I)

To

1. The Tamil Nadu State Human Rights Commission,
Chennai.

2. The Record Keeper, VR Section, (2 copies)
Madurai Bench of Madras High Court,
Madurai.

+1cc to Mr.P.Arun Jayatram, Advocate Sr.No.80329

CM

VB/SKN/SAR1/27.09.2018/2P/5C