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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(C) 10103/2018

D.LAVANYA, (F/43)

..... Petitioner

Through

Mr A. Rajarajan, Mr Sabarish
Subramanian, Mr Vishnu
Unnikrishnan Mr William Vinoth
Kumar, Advocates.

versus

THE CHAIRPERSON AND MEMBERS,
N.H.R.C.

..... Respondent

Through

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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26.09.2018

CM No. 39390/2018

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

W.P.(C) 10103/2018

1. The petitioner has filed the present petition, *inter alia*, praying as under:

“a. Issue a writ of mandamus or any other writ or direction thereby directing the respondent to consider petitioner's interim petition made before Honourable National Human Rights Commission dated 18.09.2018 in the original complaint with

file N0.I54743/CR/20I8 as a matter of great urgency and dispose it off at the earliest.

- b. Pass any other order directing the respondent to act proactively and swiftly regarding petitioner representation before the commission dated 18.09.2018 and 10.09.2018.”

2. On 10.09.2018, the petitioner had filed a complaint under Section 12 of the Protection of Human Rights Act, 1993 (hereafter ‘the Act’) before the National Human Rights Commission (hereafter ‘the NHRC’). The petitioner’s grievance is that the said complaint has not been considered.

3. The learned counsel appearing for the petitioner submits that the petitioner fears for his life and limb and requires urgent relief from the NHRC. He referred to the provisions of Section 18(c) of the Act and submitted that the NHRC is duly empowered to make recommendation at any stage of inquiry for grant of interim relief. He submits that the petitioner would be satisfied if the NHRC is directed to consider the petitioner’s complaint as well as consider his prayer for an interim recommendation.

3. It is seen that Section 18(c) of the Act indicates that the NHRC has the discretion to make a recommendation to the Government or other Authorities for grant of such immediate interim relief at any stage of inquiry. In the present case, this Court is not certain whether the NHRC has even entertained the complaint made by the petitioner.

4. However, since the limited relief sought by the petitioner is that his complaint be considered, the present petition is disposed of by directing that

the complaint and the application for interim relief be placed before the concerned Member(s) of the NHRC, if not already placed.

5. It is clarified that this Court has not expressed any opinion whatsoever on the merits of the complaint or whether the same warrants any consideration by the NHRC. The NHRC may be deal with the same in accordance with its procedures and as it deems fit.

6. The petition is disposed of.

7. Order *dasti*.

VIBHU BAKHRU, J

SEPTEMBER 26, 2018

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