

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 15.10.2019

CORAM :

THE HON'BLE DR.VINEET KOTHARI, ACTING CHIEF JUSTICE
AND

THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.3598 of 2019

Dr.V.Pugazhenthir

.. Petitioner

Vs.

1 The State Human Rights Commission
No.143, Kumarasamy Raja Salai
Greenways Road, Annamalaipuram
Chennai - 600 028.

2 The Superintendent of Police
Kanchipuram District
Kanchipuram.

3 The Deputy Superintendent of Police
O/o. The Deputy Superintendent of Police
Mamallapuram
Kanchipuram District.

4 The Inspector of Police
Sadras Police Station
Thirukkazhukundram Taluk
Kanchipuram District.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of certiorarified mandamus to direct the 1st respondent to call for the entire records relating the impugned order passed in Case No.7270 of 2018, dated 03.12.2018 and quash the same and consequently direct the 1st respondent to reprocess the petitioner's complaint in the manner known to the law.

For Petitioner

: Mr.A.Venkatesan

For Respondents

: Mr.K.V.Sanjeev Kumar
for 1st respondent

Mr.V.Jayaprakash Narayanan
Government Pleader
for respondents 2 to 4

ORDER

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

The petitioner, Dr.V.Pugazhenth, son of Veerasamy, 115/W7, Dr.Ambedkar Street, Jeeva Nagar, Pudupattinam, Kalpakkam Via, Kanchipuram District, has filed this petition aggrieved by the order dated 3.12.2018 passed by the State Human Rights Commission, Tamil Nadu, Chennai, by which the said Human Rights Commission dismissed the complaint filed by the petitioner in limine on the ground that the matter complained of is sub judice and outside the purview of the said Commission in view of Clause 9(g) of the State Human Rights Commission, Tamil Nadu (Procedure) Regulations, 1997 (for brevity, "the Regulations").

2. The learned counsel for the petitioner, Mr.A.Venkatesan, urged before us that the respondent Police Officials failed to register a First Information report against the owner of the property, one Mr.Duraisamy, and the concerned Police Officials also humiliated the petitioner in the presence of the public and, therefore, his human rights were violated and, hence, the complaint ought not to have been dismissed summarily by the Human Rights Commission.

3. On the other hand, the learned counsel for the Human Rights Commission, Mr.K.V.Sanjeev Kumar, submitted that Clause 9 of the Regulations permits the Commission to dismiss certain type of complaints in limine and Clause 9(g) thereof empowers the Commission to dismiss the complaint relating to a matter which is sub judice before a Court or a Tribunal.

4. The learned counsel for the Human Rights Commission submitted that O.S.No.59 of 2017 filed by the petitioner, Dr.V.Pugazhenth, a tenant in the property of the landlord, Mr.Duraisamy, is pending trial on the file of the District Munsif, Thirukkazhukundram and later on, on the orders passed by the learned Magistrate, the First Information Report has also been registered against the said landlord, which is pending investigation as of now and, therefore, the dispute between the parties is sub judice and as per Clause 9(g) of the Regulations, the Commission has not erred in rejecting the said complaint.

5. We have heard the learned counsel.

6. Clause 9 of the Regulations is quoted below for ready reference:

"9. Complaints not ordinarily entertainable -
The Commission may dismiss in limine complaints of the following nature:-
(a) Vague, anonymous or pseudonymous or illegible, trivial or frivolous.
(b) Barred under Section 36 (1) of the Act.
(c) Barred under Section 36 (2) of the Act.
(d) Related to civil dispute, such as property rights, contractual obligations.
(e) Relates to Service matter or labour or industrial disputes.
(f) Allegations do not make out any specific violation of human rights.
(g) Matter is sub judice before a Court or Tribunal.
(h) Matter is covered by a Judicial verdict or decision of the Commission.
(i) Where copy of the complaint addressed to some other authority is received by the Commission.
(j) Matter is outside the purview of the Commission."

7. A bare perusal of the said Regulation clearly empowers the said Commission to dismiss in limine the complaints which are found to be vague, anonymous or frivolous; barred by law; relating to civil disputes, service matters, etc., and Clause 9 (g) of the Regulations specifically empowers the Commission to dismiss the complaints relating to matters which are sub judice before a Court or Tribunal. The purpose of these enumerated contingencies in which the Commission may dismiss the complaints in limine is to avoid unnecessary and frivolous complaints to be investigated by the State Commission, where the Court or the Tribunal is seized of the matter. Besides this, even the matters pertaining to civil disputes can be dismissed by the Commission to avoid repetitive trials by different forums.

8. In the present case, we find that since the matter relating to civil dispute is pending trial in O.S.No.59 of 2017 and an FIR for the alleged crime has also been registered after the order passed by the competent Magistrate in this regard, the Commission cannot be faulted for rejecting the complaint in terms of Clause 9(g) of the Regulations. Therefore, no interference is called for under Article 226 of the Constitution of India in the present case.

This writ petition is devoid of merits and is, accordingly, dismissed. No costs. W.M.P.No.3946 of 2019 is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To:

- 1 The Assistant Registrar (Law)
State Human Rights Commission
No.143, Kumarasamy Raja Salai
Greenways Road, Annamalaipuram
Chennai - 600 028.
- 2 The Superintendent of Police
Kanchipuram District
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- 4 The Inspector of Police
Sadras Police Station
Thirukkazhukundram Taluk
Kanchipuram District.

+1 cc to M/s.K.V.Sajeev Kumar, Advocate Sr.No. 86270

+1 cc to Mr.A.Venkatesan, Advocate Sr.No.86463

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