

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

CORAM :

The Hon'ble Dr.JUSTICE VINEET KOTHARI, ACTING CHIEF JUSTICE

AND

The Hon'ble Mr.JUSTICE C.SARAVANAN

W.P. No.6203 of 2019

R.Srinivasan

.. Petitioner

-vs-

1.State Human Rights Commission Tamil Nadu,
rep.by Registrar,
No.143, P.S.Kumaraswami Raja Salai,
Greenway Road,
Chennai-600 028

2.Chellappa
S/o.A.Sundararaj,
Inspector of Police(Law and Order),
S.11, Tambaram Police Station,
Chennai,
Now Inspector of Police,
Selaiyur Police Station,
Chennai-73

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Certiorari, calling for the records of the first respondent order dated 27.06.2018, passed in S.H.R.C.No.4443 of 2014 and quash the same.

For Petitioner : Mr.B.Ullasavelan

For Respondents : Mr.K.V.Sanjeev Kumar
for R1
R2- No appearance

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O R D E R

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

The complainant-Mr.R.Srinivasan, son of T.Ramaiya, has filed this writ petition, under Article 226 of the Constitution of India in this Court, aggrieved by the order dated 27.06.2018, passed by the first respondent/State Human Rights Commission, Tamilnadu, rejecting his complaint, in S.H.R.C.No.4443 of 2014. The operative portion of the order impugned before us is quoted below for ready reference:

"12.During the cross examination P.W.1 also admitted that the owner of the property Saranayaki Kannan lodged a complaint before the respondent that some 5 persons were trespassed into the disputed property and residing there and he admitted this fact. He also admitted that his father in law Natarajan was called upon by the Sub Inspector of Police and inquiry was conducted on 02.06.2014. He also admitted that Natarajan requested some 5 persons to reside in that property and sent a letter to the Sub-Inspector of Police to vacate the house. He further stated that though the key for the disputed property was handed over to Saranayaki Kannan, she failed to receive the same because the said 5 persons were residing there. However, he replied that he has not participated in the inquiry conducted on 02.06.2014.

13.P.W.1 categorically alleged that he was assaulted by the respondent on his chin and he took treatment in the hospital and Ex.P1 Medical prescription was issued to him. It is seen from Ex.P1 that he was assaulted by unknown persons yesterday. But before the word 'unknown person' it was inserted as 'police'. CW1 categorically admitted that the word police has not written by him and the complainant wrote this letter. If the doctor wrote the letter as police, then the next word unknown person should not be there.

14.The respondent also filed a petition regarding with this correction and this Commission also admitted the same. However, warned the complainant on that aspect that he ought to have been corrected the same. Ex.P1 will not supported the case of the complainant. Except the

interested witness of P.W.1 there is no other supported evidence to prove that he was assaulted by the respondent on that day. P.W.1 also deposed that his father in law Natarajan accompanied him on the day of incident but he was not examined as witness. It is reported that he is an aged man. So he ought to have been examined his father in law by way of appointing a commission. But the complainant has not taken any steps on this aspect.

15.It is seen from the materials on record and also the evidence of both the parties, this Commission is of the considered view that there was a dispute in between the father in law of the complainant namely Natarajan and the house owner Saranayaki Kannan an order was passed against the said Natarajan but he engaged some 5 other persons in his house as sub tenant and in order to take action against them Saranayaki lodged a complaint to the respondent police on 02.06.2014 and an inquiry was conducted by the Sub-Inspector of Police, Kala, Tambaram Police station and she advised to settle the same through civil Court.

16.Therefore, the allegations of the complainant against the respondents that the respondent police supported the house owner Saranayaki Kannan and assaulted the complainant was not proved by the complainant. As I already said the complainant miserably failed to prove that he was assaulted by the respondent on that day and also the complainant failed to establish the fact that the respondent had violated the human rights of the complainant and he is not entitled to get compensation or any other relief against the respondent and this point is answered in the negative."

2.The learned counsel for the petitioner Mr.B.Ullasavelan, urged before us that the petitioner is a retired Chief Engineer of the Chennai Corporation and he was beaten by the accused respondent No.2-Thiru Chellappa, Inspector of Police, in the incident which took place on 05.06.2014, at 9.30 p.m. and under his threat only his father-in-law Mr.Natarajan withdrew the C.R.P.NPD.No.2251 of 2012, filed by him, in a matter relating to eviction of property filed by the

Landlady Saranayaki Kannan. Therefore, the learned counsel for the petitioner submitted that the first Respondent had violated the human rights of the complainant and hence, the said order dated 27.06.2018, passed by the Commission, is challenged in the present writ petition.

3.On the other hand, the learned counsel for the first respondent Commission-Mr.K.V.Sanjeev Kumar pointed out that in the evidence adduced before the Commission, the petitioner seems to have interpolated the word 'Police', in the report given by the Doctor of Kasthuri Hospital, who had stated that allegation was made only against some 'unknown persons' beating them on the previous day and therefore, disbelieving the said evidence produced by the petitioner, the Commission was justified in rejecting the complaint in question.

4.Having heard the learned counsels appearing for the parties and after perusal of the impugned order passed by the learned State Human Rights Commission, we are satisfied that there is no error in the order passed by the State Human Rights Commission and the same appears to be a well reasoned order, not suffering from any illegality, requiring interference by this Court, under Article 226 of the Constitution of India. The writ petition, therefore, is devoid of any merit and the same is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

msk

To

1.The Registrar,
State Human Rights Commission Tamil Nadu,
No.143, P.S.Kumaraswami Raja Salai,
Greenway Road,
Chennai-600 028

+1cc to Mr.K.V.Sanjeev Kumar, Advocate SR.88781

W.P.No.6203 of 2019

NRL (CO)
CB(21/11/2019)