

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.02.2019

CORAM

THE HONOURABLE Mr. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.41115 of 2015

&

M.P.No.1 of 2015

S.Loganathan

...Petitioner

Vs.

1.The State Human Rights Commission
Greenways Road
Chennai 600 028

2.Periyah
Inspector of Police
K.K.Nagar Police Station
Trichy District

3.Paulraj
Sub-Inspector of Police
K.K.Nagar Police station
Trichy District

4.Neethimohan
Inspector of Police
City Crime Branch
Trichy,
Trichy District

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the first respondent to proceed with the Trial at their Principal Bench at Chennai in connection with Case No.6278 of 2012 filed by the petitioner and post the above case at Chennai for all hearing.

For Petitioner : Mr.S.Kingston Jerold

For Respondents : Mr.S.Wilson for R1
Mr.S.P.Ramasamy for R2 to R4

O R D E R

The Writ Petition has been filed by the petitioner under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the first respondent to proceed with the Trial at their Principal Bench at Chennai in connection with Case No.6278 of 2012 filed by the petitioner and post the above case at Chennai for all hearings.

2.The learned counsel appearing for the petitioner would submit that he has filed a complaint before the State Human Rights Commission, Greenways Road, Chennai against the respondents 2 to 4 and the same is numbered as Case No.6278 of 2012 and the matter also tried before the State Human Rights Commission Circuit Bench, Trichy and the petitioner had also filed his Proof Affidavit and marked Ex.P1 to Ex.P20 and the same was adjourned to 13.03.2015 for cross examination.

3.The learned counsel for the petitioner would further submit the petitioner sought transfer of his case from Trichy to Chennai only on the ground that there was a serious threat to his life by the respondents 2 to 4. When the same came up for hearing before the Chennai Bench, the petitioner's counsel reached the Court late. Hence, the petitioner was called absent and the same was dismissed for default. Immediately thereafter a restoration petition was filed and the same was restored and again they have posted the complaint for hearing on 21.08.2015 before the Circuit Bench at Trichy, where the petitioner has absolutely no safety for his life. The respondents 2 to 4 are threatening the petitioner to withdraw the complaint, if the complaint is not withdrawn, the petitioner has to face severe consequences and with their power, the respondents 2 to 4 could file number of false cases against the petitioner. Hence, the petitioner is before this Court seeking the appropriate relief.

4.The learned counsel for the 1st respondent submitted that the petitioner is seeking to proceed with the trial in connection with the petitioner's complaint before the Principal Bench at Chennai instead of Trichy for security reasons.

5.Heard the learned counsel for the petitioner as well as the learned counsel for the 1st respondent.

6.Considering the facts and circumstances of the case, this Court is inclined to direct the 1st respondent to proceed with the said complaint before the Principal Bench at Chennai in connection with the Case No.6278 of 2012 filed by the petitioner and post the above case at Chennai for all the hearings and

complete the entire trial within a period of six months from the date of receipt of a copy of this Order.

7. Accordingly, this writ petition stands allowed. Consequently, connected miscellaneous petition is closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. The State Human Rights Commission
Greenways Road
Chennai 600 028

2. Inspector of Police
K.K.Nagar Police Station
Trichy District

3. Sub-Inspector of Police
K.K.Nagar Police station
Trichy District

4. Inspector of Police
City Crime Branch
Trichy, Trichy District

5. The Public Prosecutor
High Court of Madras
Chennai

+1cc to Mr.S.Wilson, Advocate Sr.15182

+2cc to M/S.S.Kingston Jerold, Advocate Sr.13948

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&

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srg 26/03/2019