

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.13782 of 2019

M.Dinesh

.. Petitioner

Vs

1 The State Human Rights Commission
State of Tamil Nadu
No.143, P.S.Kumarasamy Raja Salai
Greenways Road
Chennai - 600 028.

2 Subramaniam
(Special Sub-Inspector of Police)
Guindy Police Station
Chennai.

3 Jayalakshmi
W.G.I, PC 23724
Guindy Police Station
Chennai.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issue of writ of certiorarified mandamus to call for the records by quashing the impugned order passed by 1st respondent dated 07.02.2018 in Restore Petition in SHRC No.6216/2015 and direct 1st respondent to reopen the complaint of the petitioner.

For Petitioner : Mr.A.Muruganandam

For Respondents : Mr.S.Wilson
for 1st respondent

Mr.M.Deivanandam
for 2nd respondent

No appearance
for 3rd respondent

ORDER

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

The complainant, M.Dinesh, is aggrieved by the impugned order dated 7.2.2018 passed by the first respondent State Human Rights Commission, by which the Commission dismissed the restoration petition filed to restore the complaint, which was dismissed for default on 15.12.2015.

2. The learned counsel for the petitioner, Mr.A.Muruganandam, urged that the notice and summons of the said Commission were not properly served on the petitioner, though he lives in the address given in the said complaint. He has drawn our attention to the envelope cover sent to the said address by Speed Post to show that he lives in the said address and submits that, however, the Postal authorities found him not living in the said address and treating the same as sufficient service, the Human Rights Commission dismissed the complaint for want of prosecution.

3. The learned counsel for the State Human Rights Commission, Mr.S.Wilson, supported the impugned order.

4. Mr.M.Deivanandam, learned counsel appearing for the second respondent submitted that he has been wrongly implicated in the present case.

5. Having heard the learned counsel for the parties, we are satisfied that in the facts and circumstances of the case, the matter deserves to be restored to the file of the State Human Rights Commission for considering the complaint of the petitioner on merits and in accordance with law. The petitioner undertakes to appear before the said Commission in the first instance on 11.11.2019 (Monday) at 11 A.M. The Commission may proceed to decide the complaint in accordance with law, after giving opportunity to the concerned parties, as expeditiously as possible, preferably within a period of six months from today.

With these observations, the writ petition is disposed of.
No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

sasi

To:

The Assistant Registrar (Law)
State Human Rights Commission
No.143, Kumarasamy Raja Salai
Greenways Road, Annamalaipuram
Chennai - 600 028.

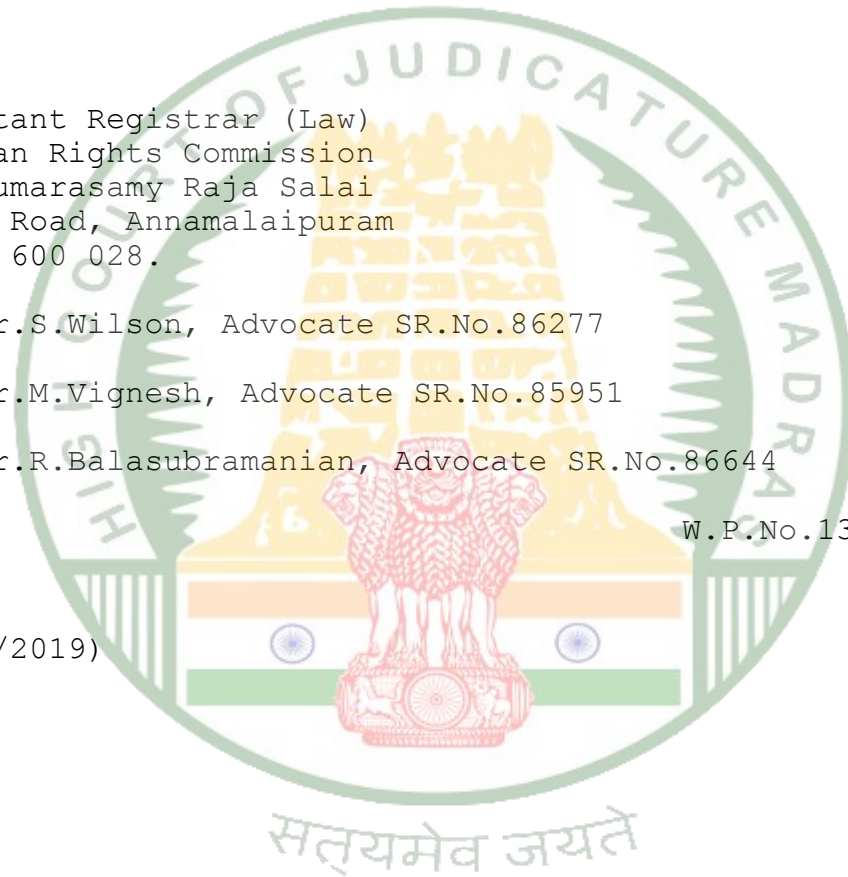
+1cc to Mr.S.Wilson, Advocate SR.No.86277

+2cc to Mr.M.Vignesh, Advocate SR.No.85951

+1cc to Mr.R.Balasubramanian, Advocate SR.No.86644

W.P.No.13782 of 2019

RSK(CO)
GMY(01/11/2019)



WEB COPY