



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 17.09.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.19973 of 2019

and

W.M.P. (MD) Nos.16483 & 16484 of 2019

Sundaram

... Petitioner

-vs-

1.The State Human Rights Commission
Greenways Road, Chennai

2.S.Periyasamy

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the first respondent herein to conduct and proceed with the trial of the SHRC Petition No.8162/2018 at "Circuit Bench of the State Human Rights Commission, at Trichy" instead of Hon'ble Principal Bench of State Human Rights Commission, at Chennai.

For Petitioner : Mr.C.Jeganathan

For Respondents : Mr.Arul Vadivel @ Sekar
Standing Counsel for R1

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

Heard Mr.C.Jeganathan, learned counsel appearing for the writ petitioner and Mr.Arul Vadivel @ Sekar, learned Standing Counsel, who accepts notice for the first respondent.

2. In view of the order we propose to pass in this writ petition, notice to the second respondent is dispensed with.

3. With the consent of both sides, the writ petition is taken up for final disposal at the admission stage itself.

4. By way of this writ petition, the writ petitioner seeks for a direction to transfer S.H.R.C.Petition No.8162 of 2018 to be heard at Trichy instead of the Principal Bench at Chennai.



5. The allegation is that the second respondent, a practicing Advocate, is the complainant and the writ petitioner was threatened with dire consequences when he attended the hearing on 08.08.2019.

6. The learned counsel appearing for the writ petitioner has drawn the attention of this Court to certain photographs, from which the learned counsel wants to infer that the second respondent Advocate is acting in an high-handed manner.

7. Unfortunately, in a writ proceedings, based on the photographs, such a dispute cannot be adjudicated. However, enquiry in this regard is pending before the State Human Rights Commission. As per the rules framed under the Human Rights Act, there are hierarchy of the Police Authorities to assist the Commission in discharging of its function. Therefore, before approaching this Court, the writ petitioner should have filed a petition before the State Human Rights Commission setting out his grievances and without doing so, the writ petitioner rushed to this Court. Therefore, we are not inclined to entertain the writ petition at this juncture. However, we give liberty to the writ petitioner to file appropriate application before the State Human Rights Commission and the writ petitioner is entitled to be represented by a Lawyer before the Commission and it is for the Commission to take a decision on such petition being filed.

8. With these observations, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)

To
The State Human Rights Commission,
Greenways Road, Chennai.

+1 CC TO Mr.C.Arulvadivel, ADVOCATE IN SR No.87133.

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