

Anil M. Bhatia ...Petitioner
vs.
The State of Maharashtra and Ors. ...Respondents

Mr.Yashodeep Deshmukh i/b Vaidehi Deshmukh for the Petitioners
Ms P.J.Gavhane, AGP for State.

**CORAM : K.K.TATED AND
RIYAZ I. CHAGLA, JJ.**

DATE : FEBRUARY 25, 2021.

P. C. :

Heard learned counsel for the parties.

2 By this Writ Petition under Article 226 of the Constitution of India, Petitioner is seeking direction against Respondents to comply with the order dated 17th May 2018 passed by the Maharashtra State Human Rights Commission in case No.2306 of 2014 directing Respondent-State to pay interim compensation of Rs.25,000/- to the Petitioner.

3 Learned counsel for the Petitioner submits that in the present proceedings, Respondents preferred Review Petition No.5827 of 2018 before the Maharashtra State Human Rights Commission to review the order dated 17th May 2018. He submits that the Maharashtra Human Rights Commission after hearing both the sides partly allowed the Respondents' application for review. He submits that at the time of allowing the review Petition, the Commission rejected the Respondents' application for cancellation of compensation amount to be paid to the Petitioner. The operative part of the order passed in review Petition reads thus:

“1. Application is partly allowed.

2. It is necessary to insert second last para before operative order as follows.

“It should be noted that Respondent Vikram Deshmane, the Deputy Commissioner of Police, Zone XI Borivali (W) Mumbai has promptly taken action after receipt of the notice from this Commission. Shri Vikram Deshmane is cited as Respondent only because he is incharge of the Zone. He is not personally held responsible for any shortcomings or lacunae.”

3. In the operative part of the main order the last clause word '1A' should be deleted and replaced by word 'C'. After the last sentence it should be stated that “Shri Vikram Deshmane the Deputy Commissioner of Police zone XI Borivali (W) Mumbai is not personally liable for any shortcomings, lapses or mistakes committed by Bangur Nagar Police Station. As far as compensation to be given the DCP Zone XI, is not personally responsible for the same.

4. The prayer for withdrawal/cancellation of compensation amount to be paid to the complainant is hereby rejected.

5 Inform the concerned departments in the Government and the concerned accordingly.

6.The review Petition is disposed accordingly.”

4 Learned counsel for the Petitioner submits that in spite of several reminders, Respondents failed and neglected to pay said compensation. Hence, the present Petition.

5 The learned counsel for the Petitioner submits that during the pendency of the present proceedings, earlier Joint Secretary, Home Department Mr.J.L.Pawra by his letter dated 3rd January 2019 informed the Secretary of Maharashtra State Human Rights Commission that, there was no mistake on the part of the Police Officer and therefore, Petitioner is not entitled to any compensation. Learned counsel for the Petitioner submits that the conduct of the said Officer Mr.J.L.Pawra is

objectionable. He submits that by letter dated 3rd January 2019, indirectly he wanted to set aside the order passed by the Maharashtra State Human Rights Commission in case No.2306 of 2014. Therefore, action should be taken against him.

6 On the other hand, learned AGP appearing for State submits that as the entire amount is already paid to the Petitioner during the pendency of the present Petition, nothing survives in the matter and the same is required to be dismissed as infructuous.

7 We have heard both the parties. Admittedly, Maharashtra State Human Rights Commission by its letter dated 17th May 2018 in case No.2306 of 2014 held that the Respondents police officers unnecessarily humiliated the Petitioner and therefore, directed them to pay compensation of Rs.25,000/-. Not only that, Respondents police officers filed review Petition No.5827 of 2018 to review the said order and that was partly allowed. However, the Respondents' application for cancellation of compensation amount to be paid to the petitioners was rejected by the Commission. In spite of knowing all these facts, the said Officer Mr.Pawra by his letter dated 3rd January 2019 informed to the concerned Secretary of the Maharashtra State Human Rights Commission that the order passed by them is not correct. This itself shows that the said official has no respect to the order passed by the Maharashtra State Human Rights Commission.

8 In view of these facts, it is necessary to direct the Principal Secretary, Home Department to consider the letter dated 3rd January 2019 (Exh.A to the Petition) written by Mr.Pawra to the Secretary of the Maharashtra State Human Rights Commission and if necessary to take action against the said Officer for writing such letter by holding enquiry and submit the report to the Registry of this Court through the Government Pleader on or before 31st March 2021.

9 Writ Petition is disposed of accordingly.

10 Registry is directed to place this Petition on 8th April 2021 for reporting compliance.

[RIYAZ I. CHAGLA, J.]

[K.K.TATED, J.]