



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2021

:CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P.No.23292 of 2021

Sarthar Ali

...Petitioner

Vs.

The Registrar,
State Human Rights Commission,
143, P.S. Kumarasamy Raja Street,
Chennai.

...Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the Respondent to dispose the case in 7787/2020 which is pending on the file of Respondent within time limit as fixed by this Court.

For Petitioner : Mr.M. Saravanakumar

For Respondent : Mr.K.V. Sajeew Kumar
Government Counsel

O R D E R

(Order of this Court was made by S. VAIDYANATHAN., J)

This Writ petition is filed, seeking a direction to the Respondent to dispose the case in 7787/2020 which is pending on the file of Respondent within time limit as fixed by this Hon'ble Court.

2. Mr.K.V.Sajeevkumar, learned Government counsel takes notice for Respondents.

3. By consent of both sides, this Writ Petition is taken up and disposed of at the stage of admission itself.

3. The learned counsel appearing for the Petitioner submitted that when the petitioner was admitted in the One Care



Hospital on 04.11.2019, based on the statement given by him, an F.I.R has been filed against one Sambantham, the Sub Inspector of Police in Cr.No.244/2019 on 04.11.2019 on the file of Kottur Police Station in Coimbatore and charge sheet was filed as CC.No.189/2020 on the file of Judicial Magistrate No.2 of Pollachi. It is further submitted that the Petitioner in order to get the compensation from the said Sambantham, lodged a complaint in case No. 7787/2021 in Despatch No.12950/2020 dated 04.09.2020 on the file of Respondent through post and also sent a representation dated 12.07.2021 to the Respondent but till date no action was taken from the side of the Respondent and therefore filed this Writ petition seeking for the aforesaid relief.

4. The learned Government Counsel who took notice for the respondent has stated that the representation of the petitioner will be considered and necessary orders will be passed, within the time to be fixed by this Court.

5. Considering the facts and circumstances of the case and taking into account the fact that the petitioner's representation is already pending with the Respondent, the Writ Petition is disposed of with the following directions:

i) A direction is issued to the Respondent herein to consider the representation preferred by the petitioner dated 12.07.2021, if not already disposed of, and pass appropriate orders thereon, in accordance with law, after affording an opportunity of hearing to the petitioner and other persons, if any, who are likely to be affected, as expeditiously as possible, preferably within a period of three months from the date of receipt of a copy of this order;

ii) In case the petitioner is unable to appear for personal hearing either physically or virtually, the petitioner is entitled to send a written submission within a period of one month from the date of receipt of a copy of this order through registered post or speed post and the same shall be treated as personal hearing. It is made clear that the petitioner can avail the opportunity of either personal hearing or filing written submission and not both;

iii) In case the petitioner fails to appear or file a written submission in time, the Respondent shall pass orders based on the available records and the petitioner, cannot at a later point of time take a stand that opportunity of being heard is not given to the petitioner;



iv) The petitioner shall furnish Mobile Number, email ID, if any, etc., along with a copy of the representation dated 12.07.2021 and this order, to the Respondent forthwith;

v) The Respondent is directed to communicate the decision taken on the representation, to the petitioner within a period of three weeks from the date of decision taken thereon, by way of SMS/Email/registered post/speed post, so that there is no need for the petitioner to file contempt after expiry of the specified period. In case the authorities concerned fail to send communication to the petitioner, they will have to face the civil imprisonment in case of contempt proceedings. If they are unable to serve the order and the cover being returned un-served for one reason or the other, the same shall be kept in the file without opening it for the proof of delivery, so that the petitioner, later on, will not take a plea that the petitioner is not aware of the order. No costs.

Sd/-

Assistant Registrar (CS VII)

//True Copy//

Sub Assistant Registrar

arr/shk

To

The Registrar,
State Human Rights Commission,
143, P.S. Kumarasamy Raja Street,
Chennai.

+1cc to the Government Pleader, S.R.No.57187,57655

W.P.No.23292 of 2021

NMI [co]
NSK 24/11/2021