



WEB COPY

W.P.(MD)No.1968 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S. SIVAGNANAM

AND

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD)No.1968 of 2020

and

W.M.P. (MD)No.1644 of 2020

K.Gunasekaran

... Petitioner

Vs.

1. The Registrar,
State Human Rights Commission,
No.143, P.S.Kumarasami Raja Street,
Chennai.

2. K.Veluchamy

3. G.Senthil Kumari

4. S.Selvaraj ... Respondents

(R2 to R4 are impleaded vide order dated 21.01.2021

made in WMP(MD)No.2033 of 2020 in

W.P.(MD)No.1968 of 2020 by MMSJ and SAIJ)

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorarified Mandamus, to call for the entire records pertaining to the order passed by the respondent in S.H.R.C.No.6970 of 2019 dated 05.12.2019 and quash the same and consequently direct the respondent to hold an enquiry pursuant to the petitioner's complaint dated 11.07.2019 and to take a final decision thereon under the provision of the Protection of Human Rights Act 1993.

For Petitioner : Mr.R.Anand

For R1 : Mr.C.Arul Vadivel @ Sekar

For R2 to R4 No appearance

ORDER

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

Heard Mr.R.Anand, learned counsel appearing for the petitioner and Mr.C.Arul Vadivel @ Sekar, learned Standing Counsel appearing for the first respondent/Tamil Nadu State Human Rights Commission



2. Though notice has been served on the respondents 2 to 4 and their names are printed in the cause list, none appears for the respondents 2 to 4.

3. The petitioner has impugned the proceedings of the first respondent Commission, dated 05.12.2019, in and by which, he was informed that the allegation made by him in his complaint, dated 11.07.2019 is vague and also covered by judicial verdict and it is outside the purview of the Commission. Further, it has been stated that the complaint is not entertainable under Regulations 9(a) and 9(h) of the State Human Rights Commission, Tamil Nadu (Procedure) Regulations 1997 and therefore, the complaint was closed.

4. Regulation 9(a) gives power to the Commission to reject the complaint, which are vague, anonymous, pseudonymous or illegible trivial or frivolous. So far as the power under Section 9 (h), it is exercisable, when the matter is covered by a Judicial verdict or decision of the Commission.

5. On a reading of the complaint, dated 11.07.2019 filed by the petitioner before the Commission, it appears to be vague and the names of the concerned Officers have not been specifically set out. However, the petitioner, being an officer of the Central Government Organization, could have placed better materials before the Commission and disclosed all the facts. With regard to the observation made in the impugned order that the complaint is covered by the judicial order, it is not clear as to on what basis the Commission came to such a conclusion and even assuming so, if there were certain judicial proceedings, before an order could be passed, the Commission could have heard the petitioner.

6. In any event, bearing in mind the purpose for which the protection of Human Rights Act, 1993 was enacted, we are of the view that the matter need not be closed at the threshold, especially, when certain facts placed before this Court in the writ petition were not placed before the Commission at the first instance, when the complaint was filed. Therefore, while not finding fault with the Commission in closing the proceedings, we grant liberty to the petitioner to file a fresh complaint impleading all the necessary parties and clearly setting out all allegations against each of them and if the complaint is filed along with the copy of this order, the Commission shall take on file the complaint and proceed in accordance with the relevant regulations.



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7. Accordingly, the writ petition is closed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar ()

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

RM/ogy

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

The Registrar,
State Human Rights Commission,
No.143, P.S.Kumarasami Raja Street,
Chennai.

W.P. (MD)No.1968 of 2020
04.06.2021

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