



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

and

THE HONOURABLE MR.JUSTICE M.DURAI SWAMY

W.P(MD)No.13809 of 2021

and

W.M.P(MD)No.10773 of 2021

Pitchaiya

... Petitioner

Vs

1.The State Human Rights Commission,
Represented by the Registrar,
Tirunelveli,
Tirunelveli District.

2.Selvaraj

3.Udayakumar

... Respondents

(R-1 is *suo motu* amended vide order of this Court
dated 10.08.2021)

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the first respondent to receive the petitioner's petitions for re-open and re-call filed under Order 18 Rule 17 & 151 CPC dated 15.07.2021.

For Petitioner : Mr.M.Subash Babu

For R - 1 : Mr.C.Arul Vadivel Sekar

For R - 3 : Mr.M.Chandra Bose

ORDER

(Order of the Court was made by N.KIRUBAKARAN,J.)

This Court *suo motu* amends the State Human Rights Commission, represented by the Registrar, Tirunelveli, Tirunelveli District.

2.The petitioner, who is facing proceedings before the State Human Rights Commission at the instance of the second respondent is before this Court.

3.The second respondent initiated complaint against the petitioner and the third respondent alleging the Human Rights violation and the said case has been taken on file by the first respondent in S.H.R Case No.4682/2015/C2. In the said complaint, counter-affidavit has been filed by the petitioner as well as the third respondent and they are contesting the matter.

4.Since the petitioner and the third respondent are police officials, they are unable to cross-examine P.W.2 and P.W.3 due to pandemic work. Therefore, the petitioner filed petitions to re-open the evidences of P.W.2 and P.W.3 and re-call the witnesses of P.W.2



and P.W.3 for the purpose of cross-examination. The allegation of the petitioner is that the said petitions are declined to be received by the first respondent/State Human Rights Commission. Therefore, the petitioner is before this Court.

5.Heard Mr.M.Subash Babu, learned counsel appearing for the petitioner, Mr.C.Arul Vadivel @ Sekar, learned counsel who takes notice on behalf of the first respondent and Mr.M.Chandra Bose, learned counsel appearing for the third respondent.

6.Notice to the second respondent is dispensed with as this Court only directs the first respondent/the State Human Rights Commission to receive the petitions and to decide the matter on merits, after issuing notice to the second respondent.

7.The allegation of the petitioner is that the petitioner could not cross-examine P.W.2 and P.W.3, who were examined as witnesses on behalf of the second respondent/complainant, due to Covid duty. To re-open the evidences of the complainant and to recall P.W.2 and P.W.3, the petitions were presented before the State Human Rights Commission. However, it is stated that they were not received. The first respondent cannot decline to receive the said petitions.

8.As per law, the first respondent is supposed to receive the petitions and issue notice to the complainant and decide the matter, after hearing the parties on merits.

9.When such a procedure is known in law, the first respondent cannot decline to receive the petitions.

10.In view of that, the petitioner is directed to represent the petitions within a period of two weeks from the date of receipt of a copy of this order. The first respondent is directed to receive the petitions filed by the petitioner to re-open the evidences of the complainant and re-call P.W.2 and P.W.3 for the purpose of cross-examination and decide the matter on merits, after issuing notice to the second respondent/complainant within a period of six weeks from the date of filing of the petitions.

11.With the above directions, the Writ Petition is disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

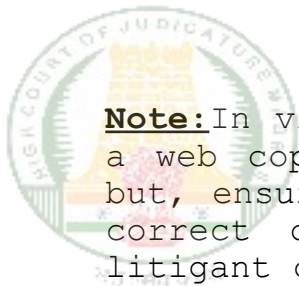
Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



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.

WEB COPY

To

The Registrar,
The State Human Rights Commission,
Tirunelveli,
Tirunelveli District.

+1 CC to M/s.M.SUBASH BABU, Advocate (SR-25832[F] dated
10/08/2021)

W.P (MD) No.13809 of 2021
10.08.2021

RS (06.09.2021) 3P 3C