



WEB COPY



W.P.No.19101 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.No.19101 of 2022

Daniel Fernando

...Petitioner

Vs.

1.State Human Rights Commission,
Rep. by its Registrar,
No.143, P.S.Kumaraswamy Raja Salai,
(Greenways Road), Chennai – 600 028.

2.C.Magesh Kumar,
Inspector of Police,
J9, Thoraipakkam Police Station,
Presently at V.R.Control Room,
Chennai – 600 008.

3.Arokiaraj,
Inspector of Police,
Special Branch, CID, Chennai – 600 004.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus, calling for the records of the 1st respondent in S.H.R.C.No.12027 of 2019 dated 18.09.2021, quash the same and as a consequential relief directing the 1st respondent to enquire the matter afresh.



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For Petitioner : Mr.T.Ramachandran

ORDER

(Order of the Court was made by **R.SUBRAMANIAN, J.**)

The complaint filed by the petitioner before the Human Rights Commission has been rejected on the ground that it could not be entertained as it is filed beyond the time granted under Section 36(2) of the Protection of Human Rights Act 1993.

2. Mr.T.Ramachandran, learned counsel appearing for the petitioner would submit that he had no knowledge of filing of the FIR. Therefore, time would begin to run only from the date on which he had the knowledge of violation.

3. We are unable to concur. There is no power vested in the commission to condone the delay. Section 36(2) of the Protection of Human Rights Act creates an embargo on the Human Rights Commission to



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entertain complaints which are filed after lapse of an year from the date of alleged violation. The provisions reads as follows:-

(2) The Commission or the State Commission shall not inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.

4. In view of the above clear language of the provision, we do not think that we can accept the arguments of the learned counsel for the petitioner that time will begin to run from the date of knowledge of violation. Therefore, we see no merits in this writ petition. The writ petition fails and it is accordingly **dismissed**. No costs.

(R.S.M.,J.) (K.B.,J.)
18.10.2022

dsa

Index :Yes/No
Internet :Yes/No
Speaking order/Non-Speaking order



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To:-

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- 1.The Registrar,
State Human Rights Commission,
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and
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