



WP.No.39441/2005

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.10.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS. JUSTICE N.MALA

WP.No.39441/2005

V.Nehru

.. Petitioner

Vs.

- 1.The Chairman
Tamil Nadu State Human Rights
Commission, Pratap Singh
Maaligai, Royapettah
Chennai 600 014.
- 2.The State of Tamil Nadu
rep.by its Secretary
Department of Public
Fort St George, Chennai 600 009.
- 3.The Superintendent of Police
Dharmapuri.
- 4.M.John Basha
S/o.Madasa Sayeb
Sub Inspector of Police



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Dharmapuri.
5.A.Alexander
Sub Inspector of Police
Dharmapuri Town PS
Dharmapuri District.

6.Semmannan
Head Constable
Adhiyaman Kottai PS
Dharmapuri, Dharmapuri District.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records in Case No.7095 of 2003 dated 26.07.2004 on the file of the 1st respondent which was served on the petitioner on 17.12.2004 and quash the same, as illegal and direct the 1st respondent to hold public enquiry into the complaint of petitioner in accordance with the principles of natural justice.

For Petitioner	:	Mr.R.Sankarasubbu
For RR1, 4 to 6	:	No appearance
For R2	:	Mr.A.Selvendran Special Government Pleader

ORDER

[Order of the Court was made by S.S.SUNDAR, J.,]

- (1) This writ petition is filed challenging the order of the 1st respondent / State Human Rights Commission dated 26.07.2004 dismissing the complaint of the petitioner.



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- (2) The petitioner has preferred a complaint before the 1st respondent about the human rights violations specifically making a few allegations which would attract the provisions under the Protection of Human Rights Act, 1993. However, the said complaint was disposed of by the 1st respondent vide impugned order in the following lines :-

"Report received. Considering the complaint and report the complaint is dismissed as it is outside the purview of the Commission."

- (3) No counter affidavits are filed by the other respondents excepting respondents 4 and 5.
- (4) The provisions under the Protection of Human Rights Act, 1993, envisages the manner in which the complaint which is preferred before the Commission should be investigated. The Act is brought with an object to protect the human rights. The Constitution of National Human Rights Commission and the State Commissions for speedy trial for offences arising out of violation of human rights are pursuant to the International Covenant of civil and political rights and the International Covenant of economic,, social and cultural



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rights adopted by General Assembly of United Nations to which India is a party.

- (5) When a complaint is preferred before the State Human Rights Commission, the complainant should be given adequate opportunity even if there are adverse material received against him. Whenever a decision which is likely to affect the complainant is passed, the complainant should be put on notice. In the present case, the petitioner as a complainant is entitled to such notice before dismissing the petition. Therefore, the impugned order is in violation of principles of natural justice.
- (6) In the result, the writ petition is **allowed** and the impugned order of the 1st respondent dated 26.07.2004 is set aside. The matter is remanded back to the 1st respondent to pass appropriate orders on merits and in accordance with law after hearing the petitioner and dispose of the same after holding an enquiry giving sufficient opportunity to the petitioner as well as the other persons who are also shown as respondents before the 1st respondent in the complaint of the petitioner. The 1st respondent shall pass final orders within a



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WEB COPY period of six weeks from the date of receipt of a copy of this order.

No costs.

[SSSRJ] [NMJ]

31.10.2022

AP

Internet : Yes

To

1.The Chairman

Tamil Nadu State Human Rights
Commission, Pratap Singh
Maaligai, Royapettah
Chennai 600 014.

2.The Secretary

State of Tamil Nadu
Department of Public
Fort St George, Chennai 600 009.

3.The Superintendent of Police

Dharmapuri.



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