



WEB COPY



W.P.No.9068 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.10.2022

CORAM:

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

W.P.No.9068 of 2022
and
W.M.P.Nos.8866 & 8868 of 2022

V.Gopalakrishnan

...Petitioner

Vs.

1.The Registrar,
State Human Rights Commission of Tamil Nadu,
'Thiruvaramangam', No.143, P.S.Kumarasamy Raja Salai,
(Greenway Road), Chennai – 600 028.

2.M.Arulmani

3.R.Sakthivel

4.S.Saroja

5.M.Eswaran

6.Tamil Nadu Pollution Control Board,
Rep. by its Member Secretary,
76, Anna Salai, Guindy, Chennai – 600 032.

[R6 impleaded vide order dated 21.09.2022
made in WMP.No.20413 of 2022]

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
seeking issuance of Writ of Certiorari, calling for the impugned order



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passed by the 1st respondent in SHRC Case No.5425 of 2020 dated 17.02.2022 and quash the same.

For Petitioner : Mr.K.Raja
for Mr.M.Kaviveerappan
For Respondents : Mr.S.Wilson for R1
Mr.S.Senthilnathan for R2 to R5
Mr.Shanmugavalli Sekar,
Standing Counsel for R6

ORDER

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

Challenge in the writ petition is to the order of the State Human Rights Commission directing payment of compensation of Rs.40,000/- at Rs.10,000/- each to the respondents 2 to 5 for the alleged human rights violation committed by the petitioner.

2. The petitioner was a Divisional Environmental Engineer working with the Tamil Nadu Pollution Control Board at its Salem Office. It appears that the respondents 2 to 5 had a grievance against the dying unit, which according to them was functioning without consent or in violation of the consent. It appears that the respondents 2 to 5 were in a habit of lodging



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complaint against the dying unit on 15.06.2020, 23.06.2020 and on 01.07.2020. Again on 07.07.2020, the respondents 2 to 5 had gone to the office of the petitioner and lodged a complaint and required him to take immediate action. According to the respondents 2 to 5, the petitioner has threatened them stating that he would lodge a police complaint for having violated the Covid lock-down. It is this threat which is stated to have been in violation of the human rights of the respondents 2 to 5. The State Human Rights Commission had taken serious note of the complaint and concluded that there was a human right violation on the part of the petitioner.

3. We have heard Mr.K.Raja, learned counsel appearing for the petitioner and Mr.S.Senthilnathan, learned counsel appearing for the respondents 2 to 5, Mr.S.Wilson, learned counsel appearing for the 1st respondent and Mrs.Shanmugavalli Sekar, Standing Counsel for the 6th respondent.

4. The main contention of Mr.K.Raja, learned counsel appearing for the petitioner is that the dates on which the petitioners came to his office



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were covered by the Covid lock-down and after receipt of the complaint he only told them not to assemble or crowd in the Office as it will be in violation of the Covid lock-down protocol. Since the respondents 2 to 5 persisted in crowding in the office he had informed them that he would lodge a police complaint. This, according to him, would not amount to violation of human rights, as admittedly Covid lock-down protocols were in force during all the dates mentioned in the complaint of the respondents 2 to 5 before the State Human Rights Commission.

5. A reading of the complaint itself makes it clear that an attempt has been made by the respondents 2 to 5 to irritate the petitioner and make him pass certain comments which were made subject matter of complaint before the State Human Rights Commission. It is stated that the respondents 2 and 3 first went inside and gave a complaint to the petitioner. Thereafter, the respondents 4 and 5 went and gave another complaint. This action itself would show that the attempt was clearly to irritate the petitioner and extract some action on his part which could be made subject matter of complaint to to the higher Authority.



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6. The State Human Rights Commission was also misled to believe that there is violation of human rights. In fact we find that the entire episode has happened during the first phase of Covid when the lock-down protocols were very strict and assembly of persons was prohibited. It is therefore clear that if at all there is any violation of the human rights, it is by the respondents 2 to 5 and not by the petitioner.

7. Hence, we are unable to sustain the order of the State Human Rights Commission awarding compensation. The order is therefore set aside. This shall not however prejudice the rights of the respondents 2 to 5 to approach the statutory Authorities if there is any violation on the part of the dying unit concerned. Accordingly, this writ petition is Allowed. No costs. Consequently, connected Miscellaneous Petitions are closed.

(R.S.M.,J.) (K.B.,J.)
10.10.2022

dsa

Index :No
Internet :Yes
Speaking order

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To:-

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