



W.P.No.18038 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.11.2022

CORAM

**THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR**

W.P.No.18038 of 2018

P.Thomas

... Petitioner

vs.

1.M.Kanagasabapathy,  
Then Inspector of Police,  
B-13 L & O Police Station,  
Podanur,  
Coimbatore City.

2.Ramachandran  
Then Assistant Commissioner of Police,  
Law and Order, South Sub Division,  
Coimbatore City.

3.The Commissioner of Police,  
Coimbatore City Police Commissioner's Office,  
Coimbatore.

4.The Principal Secretary,  
Home Department,  
Government of Tamilnadu,  
Fort St. George,  
Chennai – 600 009.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the 3<sup>rd</sup> and 4<sup>th</sup> respondents to take necessary action as per the recommendations of the Tamil Nadu State Human Rights Commission by its order dated 26.08.2016 and made in S.H.R.C. No.5535 of 2013.

For Petitioner : Mr.D.Muthu Kumar

For Respondents 1 & 2 : Mr.R.Ashwin

For Respondents 3 & 4 : Mr.L.Baskaran

Government Advocate (Crl. Side)

### **ORDER**

This petition has been filed seeking a direction to the third and fourth respondents to take necessary action as per the recommendations of the Tamil Nadu State Human Rights Commission by its order dated 26.08.2016 made in S.H.R.C. No.5535 of 2013.

2.Today, when the matter is taken up for hearing, the learned counsel for the petitioner as well as learned counsel appearing for the respondents 1 and 2 submitted that the issue between the petitioner and respondents 1 and 2 have been amicably settled. The parties have entered into a Memorandum of



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Settlement dated 05.11.2022, the terms of which are reduced into writing.

This Memorandum of Settlement has been filed before this Court in C.R.P.No.3849 of 2019, which was recorded and C.R.P.No.3849 of 2019 was closed.

3.From the memorandum of settlement produced by the petitioner, it is seen that the issue primarily revolved around ownership, tenancy and thereafter forcible eviction. The petitioner filed a complaint with State Human Rights Commission [SHRC] in S.H.R.C. Case No.5535 of 2013, wherein the SHRC by order dated 26.08.2016 after recording evidence considering the submissions had issued the following recommendations:

- 1) The Commissioner of Police, Coimbatore is directed to ensure that the machines and articles belonging to the complainant which were taken from his premises, are returned to the complainant expeditiously.
- 2) The Government of Tamil Nadu may initiate departmental action against the Inspector of Police Mr.M.Kanagasabapathy, the then Inspector of Police, the then Assistant Commissioner of Police Coimbatore City for their delay in registering the FIR in this matter.



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- 3) The Government shall order reinvestigation into the above occurrence dated 02.03.2013 by an officer not below the rank of Deputy Commissioner of Police, Coimbatore.

4. Since the recommendations were not acted upon, the petitioner sent a representations dated 24.11.2016, 10.02.2017 and Advocate notice dated 02.05.2017 and thereafter filed this writ petition for issuance of writ of Mandamus to take necessary action as per the recommendations of the State Human Rights Commission by its order dated 26.08.2016 in S.H.R.C. No.5535 of 2013. From the memorandum of settlement, it is seen that the petitioner entered into a settlement and the parties therein agreed to withdraw the Civil Suits in O.S.No.957 of 2014 and O.S.No.815 of 2013 pending on the file of the II Additional District Munsif Court, Coimbatore and to withdraw the present writ petition, thereby giving quietus to the complaint given to the State Human Rights Commission and its recommendatory order.

5. Pursuant to the settlement, the petitioner also agreed to receive Rs.40 lakhs by way of Demand Draft and a copy of the Demand Draft was also produced. The petitioner reiterated the memorandum of settlement and



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submitted that already settlement was filed before this Court in C.R.P.No.3849 of 2019 and recording the same, the Civil Revision Petition is also closed.

6.In view of the settlement and quietus given to the dispute between the parties, the petitioner now seeks permission to withdraw the present writ petition and consequently, the recommendations given by the State Human Rights Commission in S.H.R.C.No.5535 of 2013 dated 26.08.2016 become infructuous. Accordingly, the Writ Petition stands disposed of as withdrawn. No costs.

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Index : Yes/No  
Internet : Yes/No  
Speaking Order/Non-Speaking Order  
cse/rsi



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**M.NIRMAL KUMAR, J.**

cse/rsi

To

- 1.The Commissioner of Police,  
Coimbatore City Police Commissioner's Office,  
Coimbatore.
- 2.The Principal Secretary,  
Home Department,  
Government of Tamilnadu,  
Fort St. George,  
Chennai – 600 009.

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