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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.NOS.17370 & 17376 OF 2020
AND
W.M.P.NOS.21531 & 21538 OF 2020

M.Chelladurai ...Petitioner in W.P.No.17370/2020

A.D.Mohanraj ...Petitioner in W.P.No.17376/2020

Vs.

1.The Registrar,
Hon'ble State Human Rights Commission - Tamil Nadu,
No.143, PS Kumarasamy Raja Salai,
Greenways Road, Chennai - 600 028.

2.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

3.The Director General of Police,
Office of DGP, Mylapore,
Chennai - 600 004.

4.E.Annadurai ...Respondents in both the WPs

Common Prayer : Writ Petitions have been filed under Article 226 of the Constitution of India seeking a Writ of Certiorari calling for the records relating to the impugned order dated 24.10.2019 made in S.H.R.C.No.7460 of 2014, on the file of the first respondent and quash the same.

For Petitioner : Mr.R.Sreerangan
in W.P.No.17370/2020

For Petitioner : Mr.A.Ganesh
in W.P.No.17376/2020

For Respondent 1 : Mr.K.V.Sajeev Kumar
in both the W.Ps. Special Government Pleader



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For Respondents 2 & 3 : Mr.K.Karthik Jaganathan
in both the W.Ps. Government Advocate

For Respondent 4 : No appearance
in both the W.Ps.

C O M M O N O R D E R
(Order of the Court was made by T.RAJA, J.)

Mr.M.Chelladurai and Mr.A.D.Mohanraj have filed separate writ petitions aggrieved by the findings and conclusion reached by the State Human Rights Commission, Tamil Nadu (hereinafter referred to as the 'Commission') in its order dated 24.10.2019, passed in SHRC No.7460 of 2014, in and by which, the Commission has made a recommendation to the Government of Tamil Nadu to pay a compensation of Rs.30,000/- to P.W.1 therein, Mr.E.Annadurai, S/o Ettiappan, residing at No.H37/183, LGN Salai, Border Thottam, Anna Salai, Chennai - 600 002, within a period of four weeks from the date of receipt of its order and additionally directed the Government to recover the said sum of Rs.30,000/- from the first respondent therein Mr.A.D.Mohanraj (Petitioner in W.P.No.17376 of 2020) at the rate of Rs.20,000/- and from the second respondent therein Mr.M.Chelladurai (Petitioner in W.P.No.17370 of 2020) at the rate of Rs.10,000/-.

2. The learned counsel appearing for the petitioners assailed the impugned order passed by the State Human Rights Commission and contended heavily that the Commission ought not to have taken on file the complaint filed by the complainant Mr.E.Annadurai, the 4th respondent herein, by virtue of Regulation 9(g) of the State Human Rights Commission, Tamil Nadu (Procedure) Regulations, 1997 (hereinafter referred to as 'the Regulations').

3. Since the learned counsel appearing for the petitioners vehemently assailed the impugned order contending that the Commission has no power to entertain the complaint under Regulation 9(g), the said Regulation is extracted hereunder:

"9. Complaints not ordinarily entertainable.-- The Commission may dismiss in limini complaints of the following nature:-

- (a) Vague, anonymous or pseudonymous or illegible trivial or frivolous;
- (b) Barred under Section 36(1) of the Act;
- (c) Barred under Section 36(2) of the Act;
- (d) Relates to civil dispute, such as property rights, contractual obligations;
- (e) Relates to service matters or labour



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or industrial disputes;

(f) Allegations do not make out any specific violation of human rights;

(g) Matter is sub judice before a Court or Tribunal;

(h) Matter is covered by a judicial verdict or decision of the Commission;

(i) Where copy of the complaint addressed to some other authority is received by the Commission;

(j) Matter is outside the purview of the Commission." (Emphasis added)

4. A careful perusal of Regulation 9(g) shows that if a matter is sub judice before a Court or Tribunal, the Commission may dismiss the complaint in limini.

5. The learned counsel appearing for the petitioners also drew our attention to paragraph No.4 of the counter affidavit filed by the petitioners herein before the Commission and submitted that two criminal cases have been filed before the learned V Metropolitan Magistrate, Egmore, Chennai. A perusal of the typed set of papers filed along with these writ petitions also show that a criminal case has been registered for offence punishable under Sections 406 and 420 of I.P.C. against Aadhi, Ganesan and Siva in Crime No.1975 of 2014 on the file of K11 CMBT Police Station and another criminal case has been registered for offence punishable under Sections 406 and 420 of I.P.C. against Vijayakumar, Arun, Lakshmanan, Paramasivam and Sekar in Crime No.2107 of 2014 on the file of K11 CMBT Police Station. When paragraph No.4 of the counter affidavit filed before the Commission also clearly specifies that criminal cases are pending, in our considered opinion, Regulation 9(g) comes into operation and the complaint given by Mr.E.Annadurai ought not to have been taken up by the Commission.

6. Mr.K.V.Sanjeev Kumar, learned Special Government Pleader appearing for the first respondent Commission attempted to justify the order of the Commission. However, he fairly stated that considering Regulation 9(g), the Commission may not have taken up the issue.

7. Considering the submissions made by the learned counsel on either side and upon perusing the records carefully, we fully agree with the arguments advanced by the learned counsel appearing for the petitioners that the Commission has no jurisdiction, under Regulation 9(g) of the Regulations, to entertain the complaint in view of the pendency of the criminal cases as mentioned above.



8. In the result, both the writ petitions are allowed and the impugned order dated 24.10.2019, made in SHRC No.7460 of 2014 on the file of the first respondent is set aside. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-
Assistant Registrar (CS-III)

// True Copy //

Sub Assistant Registrar

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To

- 1.The Registrar,
Hon'ble State Human Rights Commission - Tamil Nadu,
No.143, PS Kumarasamy Raja Salai,
Greenways Road, Chennai - 600 028.
- 2.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
- 3.The Director General of Police,
Office of DGP, Mylapore,
Chennai - 600 004.

+1cc to Mr.R.Sreerangan, Advocate Sr.No.43663

+2ccs to Mr.A.Ganesh, Advocate Sr.No.43156

+1cc to Mr.K.V.Sajeev Kumar, Advocate Sr.No.43079

+1cc to the Government Pleader Sr.No.43259

W.P.Nos.17370 & 17376 of 2020 and
W.M.P.Nos.21531 & 21538 of 2020

RK(CO)
RVM(07/07/2022)