



W.P.No.21024 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.11.2022

CORAM:

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

W.P.No.21024 of 2022
and
W.M.P.Nos.20034 & 20035 of 2022

Dr.Sindhu
Assistant Surgeon,
Government Hospital,
Tindivanam, Villupuram.

...Petitioner

Vs.

1.The State Human Rights Commission,
Rep. By its Registrar,
Greenways Road, Raja Annamalaipuram,
Chennai – 600 028.

2.The Chief Medical Officer,
Government Hospital,
Tindivanam, Villupuram.

3.The District Collector,
Villupuram District,
Villupuram.

4.Ms.Vijaya, Nurse,
Government Hospital,
Tindivanam, Villupuram.

..Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking issuance of Writ of Certiorarified Mandamus, calling for the records relating to complaint bearing SHRC No.4504/20 dated 11.06.2020 pending before the 1st respondent and quash the same.

For Petitioner : Mr.K.Elango
For Respondents : Ms.S.R.Sumathy for R1

Mr.T.Chezhiyan

Additional Government Pleader for R1 & R3

Ms.M.Kamatchi Sundhari

M/s.Law Square for R4

ORDER

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

Challenge in the Writ Petition is to the notice issued by the State Human Rights Commission calling upon the petitioner to appear for enquiry on the basis of the complaint filed by Thirumathi B.Vijaya, Nurse, Government Hospital, Tindivanam made to the District Collector, Villupuram District on 11.06.2020.



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2.It is seen that a copy of the said complaint was forwarded to the State Human Rights Commission based on which, the impugned notice has been issued.

3.Mr.K.Elango, learned counsel for the petitioner would submit that in view of the provisions of the regulation 9(i), the State Human Rights Commission has no power to launch action on the basis of the copy of a complaint made to any other authority, which has been forwarded to the Commission. We find that the regulation 9(i) bars the Commission from taking cognizance of complaints made to any other authority.

4.In view of the same, the this Writ Petition allowed, the impugned notice is quashed on the ground that Commission has no power to take action on the basis of such complaint. No costs. Consequently, connected miscellaneous petitions are closed.

(R.S.M.,J.) (K.B.,J.)
21.11.2022

kkn

Internet: Yes/No

Index: Yes/No

Speaking/Non-speaking order

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WEB COPY To:-

- 1.The Registrar,
State Human Rights Commission,
Greenways Road, Raja Annamalaipuram,
Chennai – 600 028.
- 2.The Chief Medical Officer,
Government Hospital,
Tindivanam, Villupuram.
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KKN

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