



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 03.02.2022

PRONOUNCED ON : 18.02.2022

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM
and
THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

W.P.No.23373 of 2021
and
W.M.P.No.24656 of 2021

Saravanakumar

Vs

...Petitioner

1. The State Human Rights Commission,
Tamil Nadu
Represented by its Member,
P.S.Kumarasamy Raja Salai,
(Greenways Road)
Chennai-600 028

2. A.P.Subramanian

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, to call for the records relating to the complaint given by 2nd respondent in S.H.R.C. Case No.13031 of 2019 and dated Nil, on the file of 1st respondent and quash the same.

For Petitioner : Mr.N.Ponraj

For R1 : Mr.K.V.Sajeev Kumar
Special Govt. Pleader

For R2 : M/s. Karpagam

O R D E R

V.SIVAGNANAM, J.

This Writ Petition has been filed seeking issuance of Writ of Certiorari calling for the records relating to the complaint given by second respondent in S.H.R.C. Case No.13031 of 2019 and



dated Nil, on the file of the first respondent.

2. The learned counsel appearing for the petitioner submitted that the petitioner is now working as Commissioner of Thanjavur Corporation. While he was working as the Commissioner of Nagercoil Corporation, he had received a complaint from one A.P.Subramanian, with regard to construction of new house by his neighbour namely Rajeswari. While she constructing a new house, it was alleged that she had damaged south side house wall of one A.P.Subramanian. In this regard, he had conducted an enquiry with A.P.Subramanian and Rajeswari. The Corporation Officers made inspection and rejected the application for approval of plan of the said Rajeswari. He had discharged his official duty legally but, A.P.Subramanian, through one ex-service man S.Akbar Ali filed a complaint before the State Human Rights Commission, Tamil Nadu, against the petitioner, which was taken on file and numbered as S.H.R.C. Case No.13031 of 2019. In the complaint, he made frivolous allegations against the petitioner and there is no truth in it.

3. He further added that the State Human Rights Commission without verifying the genuineness of the allegations through its agency has taken cognizance and issued summon to the petitioner to appear before the Commission. The allegation made in the complaint do not make any specific violation of Human Rights and the allegation that he was not permitted to sit during the inquiry time is trivial and frivolous. This type of complaint is not ordinarily entertainable by the Commission. Hence, he filed this petition seeking to quash the impugned complaint before the Human Rights Commission and thus, pleaded to allow this petition.

4. It is the submission of the learned counsel appearing for second respondent that the complainant A.P.Subramanian is a senior citizen and also an ex-serviceman. Since his neighbour Rajeswari without proper planning approval constructed her house and also caused damage to the wall of his client and was also running murukku business without license, made complaints to various Government Officials, but they did not take any action. That apart, the Commissioner during enquiry humiliated the complainant without providing a seat. Therefore, a complaint was filed before the Human Rights Commission and hence, there is no reason to quash the complaint and pleaded to dismiss the petition.

5. We have heard the learned Standing Counsel appearing for the first respondent.

6. We have considered the matter in the light the



submissions made by the learned counsel for the parties and perused the materials available on record.

7. A perusal of records indicates that A.P.Subramanian S/o.Arunachalam Pillai (late) ex-service man filed a complaint through another ex-service man S.Akbar Ali before the State Human Rights Commission alleging that the petitioner as a Commissioner of Corporation, Nagercoil, had conducted an inquiry with regard to his complaint against Rajeswari on 30.10.2019. At that time, the complainant was neither permitted to sit nor offered a chair, throughout inquiry he was standing. With this allegation, he filed a complaint before the State Human Rights Commission.

8. During the course of arguments, the learned counsel for the petitioner filed a copy of second complaint filed by the second respondent/A.P.Subramanian before the State Human Rights Commission, in which he filed the complaint against the Revenue Divisional Officer, the Commissioner of Municipal Corporation, the District Environmental Engineer, The District Officer Fire and Safety Department. So far as the impugned complaint in S.H.R.C .No.13031 of 2019 is concerned, the main allegation is that he was not permitted to sit during the inquiry with regard to his complaint of construction of new house by his neighbour Rajeswari. Further, the fact that Municipal Commissioner's contention that after the corporation officials made inspection over the newly constructed building rejected the application for the approval of the said Rajeswari has not been denied by the second respondent.

9. The substance of the allegation, in the complaint that he was not offered a seat during the time of inquiry is trivial in nature and the other allegations are vague. The State Human Rights Commission, Tamil Nadu (Procedure Regulations 1997) Regulation 9 directed that the commission may dismiss in limine the complaints, which are trivial in nature and vague. In spite of that, the State Human Rights Commission has taken cognizance of this complaint without making any inquiry through its agency to ascertain the veracity of the allegations made in the complaint. It is to be noted that the complaint is filed by the second respondent through another ex-serviceman Abdul Ali, however before taking cognizance, the complainant was not examined by the Commission. The complaint of trivial nature with vague allegations is to be dismissed in limine.

10. In similar circumstances, a Division Bench of this



Court in W.P.No.24544 of 2018 quashed the complaint filed before the State Human Rights Commission as well as the summons issued for appearance of the respondents in that case on the grounds that commission without embarking upon the independent enquiry through its agency had mechanically issued summons and the complainant has not pointed out any violation of human rights to fall within Section 2 (d) of the Act. In order considered view, the decision would squarely apply to the case on hand.

11. In such view of the matter, the Writ Petition is allowed and the impugned complaint is quashed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS-IX)

//True Copy//

Sub Assistant Registrar

vsn

To:

The Member,
The State Human Rights Commission,
P.S.Kumarasamy Raja Salai,
(Greenways Road),
Chennai - 28.

W.P.No.23373 of 2021
and
W.M.P.No.24656 of 2021

NK (CO)
SU (21/03/2022)