



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.06.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.S.SUNDAR**
and
THE HONOURABLE **MRS.JUSTICE S.SRIMATHY**

W.P(MD)No.12089 of 2022
and W.M.P.(MD) No.8595 of 2022

G.S.Rengasamy

... Petitioner

Vs.

- 1.The Registrar (Law),
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai
(Greenways Road), Chennai - 600 028.
Tamil Nadu.
- 2.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.
- 3.The Director General of Police,
Mylapore, Chennai - 600 004.
- 4.The District Collector,
Theni District.
- 5.Thiru. Thameem Ansari, CID,
Office of the Superintend of Police,
Theni District at Periyakulam
Now presently working at
District Crime Branch Team,
Ramanathapuram District.
- 6.The Superintendent of Police,
Theni, Theni District.
- 7.Thiru. Arumugam,
The Deputy Superintendent of Police,
Periyakulam, Theni District,
Now presently working at
Gopichetti Palayam,
Erode District.



8.Thiru Sugumaran,
Thenkarai Police Station,
Periyakulam, Theni District.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order of the 1st respondent in S.H.R.C. No.320 of 2020 dated 02.03.2022 and that of the impugned report of 6th respondent in Na.Ka.No.G1/23/18170 of 2019 dated . 06.2020 signed on 30.06.2020, quash the same and consequently direct the 1st respondent herein to conduct a proper enquiry before them in accordance with law providing personal opportunity to the parties and pass orders on merit.

For Petitioner	: Mr.Y.Sasi Kumar
For Respondents 2 to 4 and 6	: Mr.J.Ashok Additional Government Pleader

ORDER

(Order of the Court was made by **S.S.SUNDAR, J.**)

This writ petition is filed by the complainant before the State Human Rights Commission, as against the order of State Human Rights Commission, dated 02.03.2022, in S.H.R.C.No.320 of 2020.

2. The writ petitioner states that he is the Ex. Chairman of Periyakulam Panchayat Union and he owns patta lands in his village and he approached the District Collector, Theni District on 26.11.2018, seeking permission to form fish pond in his patta land in Survey No.1333/2 in Thenkarai Bit-I, Periyakulam, Theni District in an extent of 1.18 acres. It is his further case that the District Collector refused to give permission. Hence, the petitioner approached this Court in W.P.(MD) No.10647 of 2019 for issuing suitable directions to the District Collector, wherein the District Collector, Theni was directed to take appropriate action on the petitioner's application. It is in these circumstances, the petitioner states that the Inspector of Police, Thenkarai Police Station along with police constables entered into his patta land and asked the petitioner to stop the excavating work. Thereafter, a criminal case has been registered against him by Thenkarai Police Station in Crime No.574 of 2019.

3. It is the grievance of the petitioner that the police action initiated against the petitioner amounts to violation of human rights. From the complaint, it is seen that the petitioner has specifically stated that he was jailed for six days and that he could come on bail by producing two sureties and executing bail bonds for Rs.1,50,000/-. He further states that the petitioner and his workmen have been caused unnecessary harassments and the



petitioner was forced to spent Rs.5,00,000/- for coming out on bail. The petitioner also states that the police have treated him like a criminal without respect to his decency and the reputation he earned so far.

4. In the complaint, though the petitioner has made specific allegations against the police, the petitioner has not described each incident of human right violation he faced. After filing the complaint, the complainant fails to examine himself or any other witnesses to prove the allegations against any of the police officials. The petitioner himself has admitted that he was not granted any permission by the District Collector to excavate the sand in his patta land. Registering a criminal case against the petitioner under the relevant statute cannot be termed as violation of human rights, unless the petitioner proves that the petitioner was treated badly for no cause.

5. In the present case, apart from the fact that the petitioner has not let in any independent witness in support of his complaint, the State Human Rights Commission before passing the order call for a report from the Department and when they received the reply, after enquiry, it was revealed that a criminal case was registered against him in Cr.No.574 of 2019 under Section 379 I.P.C. and Section 21 (1) Mines and Minerals Regulation Development Act against the complainant and he was arrested by the police. The properties recovered from the petitioner was also handed over to judicial custody. It was also noticed that the petitioner has violated the conditions mentioned in the order of the District Collector, while granting permission in view of the directions issued by this Court.

6. The State Human Rights Commission after getting the report from the police served a copy on the petitioner, calling upon him to offer his remarks. Unfortunately, the petitioner failed to submit his objections or given his remarks to the report of the Superintendent of Police, Theni District, in response to the request of the Commission.

7. It is pointed by the Commission that the petitioner failed to examine him to prove the allegations made against the police officials. Since there is nothing on record and no attempt was made by the petitioner to lead any type of evidence and / or produce verifiable material to prove his allegations against the police, the petitioner's complaint was dismissed by the State Human Right Commission by the impugned order. Even before this Court no verifiable material is produced. The petitioner had an opportunity to produce the evidence before the State Human Rights Commission. Having failed to do so, praying that the petitioner should be given opportunity to lead evidence now before this Court and requested this Court to remand the matter to the State Human Rights Commission



for this purpose cannot be countenanced. For the above reasons, this Court finds no merits in the writ petition.

8. Accordingly, the Writ Petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

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Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj

To

1.The Registrar (Law),
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai
(Greenways Road), Chennai - 600 028.
Tamil Nadu.

2.The Secretary to Government,
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3.The Director General of Police,
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4.The District Collector,
Theni District.

5.The Superintendent of Police,
Theni, Theni District.

+1 CC to M/s.SPL.GP (SR-26759[F] dated 20/06/2022)

W.P (MD) No.12089 of 2022
16.06.2022

KM(CO)
KB(30.06.2022) 4P 7C