



WEB COPY

W.P(MD)No.21220 of 2021

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.06.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

AND

THE HONOURABLE MRS.JUSTICE S.SSRIMATHY

W.P(MD)No.21220 of 2021

M.Kannan

...Petitioner

-Vs-

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

2.The District Collector,
Sivagangai District,
Sivagangai.

3.The District Revenue Officer,
Sivagangai District,
Sivagangai.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the second respondent to submit a report before the first respondent pursuant to the reminder issued by the first respondent in SHRC Case No.3215/2020/HACP dated 21.12.2020 and consequently directing the first respondent to dispose of the petition in SHRC 3215/2020 dated 20.04.2020 made by the petitioner U/s.17 of the Protection of Human Rights Act, 1993 relating to denial of his property rights in the light of the order passed by this Court in W.P.(MD)No.13461 of 2020 dated 16.04.2021.

For Petitioner : Mr.S.Mohamd Kadhar

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

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

This Writ Petition is filed for issuance of a Writ of Mandamus, directing the second respondent to submit a report before the first respondent pursuant to the reminder issued by the first respondent in SHRC Case No.3215/2020/HACP dated 21.12.2020 and consequently directing the first respondent to dispose of the petition in SHRC 3215/2020 dated 20.04.2020 made by the petitioner



U/s.17 of the Protection of Human Rights Act, 1993 relating to denial of his property rights in the light of the order passed by this Court in W.P.(MD)No.13461 of 2020 dated 16.04.2021. In the petition before Commission, the petitioner has admitted that civil suit filed by him is dismissed. He has not produced the Civil Court's judgment. It is not known how a complaint is maintainable when the petitioner's title is not established before Civil Court.

2.This Court is unable to find any merit in this writ petition and the writ petition is not maintainable. This Court cannot act as an agent of the Tamil Nadu State Human Rights Commission. It is the case of the writ petitioner that he has filed a petition before the first respondent under Section 17 of the Protection of Human Rights Act, 1993, relating to denial of his property rights on 20.04.2020. It is the further case of the petitioner that no enquiry is conducted by the first respondent and the first respondent is waiting for the report from the second respondent. Since, the second respondent is delaying to file the report to the first respondent, the petitioner has approached this Court by filing this writ petition on the basis of a reminder letter dated 21.12.2020 issued by the first respondent.

3.It is the case of the petitioner that his petition is pending before the Tamil Nadu State Human Rights Commission, which is an independent forum bestowed with independent powers. This Court cannot direct the District Collector to file a report which is required by the first respondent to consider the petitioner's application pending before the Tamil Nadu State Human Rights Commission. The petitioner appears to have filed the complaint ignoring the legal consequences of Tamil Nadu Estates (Abolition and Conversion into Ryotwari) Act, 1948 [Act 26 of 1948]. No revenue document is produced to prove title or enjoyment. For want of documents this Court is not inclined to go further. However, the prayer in the writ petition cannot be conceded.

4.Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

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/07/2022

Sub Assistant Registrar(CS)

MR



To:

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