



WEB COPY



WP No.24545 of 2004

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-03-2023

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.24545 of 2004

And

WPMP No.29837 of 2004

M/s.Worltdtel Tamil Nadu Pvt Ltd.,
II Floor, Navazeez Building,
Khader Nawaz Khan Road,
Nungambakkam,
Chennai-600 034.

.. Petitioner

vs.

1.State Human Rights Commission,
Tamil Nadu, No.35,
Thiru Vi Ka Salai,
Chennai-600 014.

2.Thiru T.S.Sanath Kumar

3.Thiru N.S.Saravanan

4.M/s.Himachal Futuristic Communications Ltd.,
Rajabather Street,
T.Nagar,
Chennai-600 017.



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5.The Commissioner,
Corporation of Chennai,
Chennai-600 003.

.. Respondents

Writ Petition is filed under Article 226 of the Constitution of India, for the issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent-Commission culminating in the order dated 19.07.2004 in SHRC Case No.5348/2003/SS, quash the same and to forbear the first respondent-Commission from proceeding any further with the complaint filed by the second respondent herein in SHRC Case No.5348/2003/SS and to consequently restrain the second respondent, his men, agents and other persons claiming through or under him from pursuing the complaint before the first respondent-Commission in SHRC Case No.5348/2003/SS or any other complaint pertaining to the alleged occurrence on 04.01.2001 allegedly causing injury to the second respondent.

For Petitioner : Mr.Sakthi Baalakrishnan for
Mr.S.Raghunathan

For Respondent-1 : Ms.Mythili Srinivas

For Respondent-3 : Mr.B.Rajkumar Ashok



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For Respondents-2 and 4 : Not Ready in Notice

For Respondent-5 : No Appearance

ORDER

The order dated 19.07.2004 passed by the State Human Rights Commission in SHRC Case No.5348/2003/SS is sought to be quashed in the present writ petition.

2. One Mr.T.S.Sanath Kumar/second respondent in the present writ petition instituted a complaint before the State Human Rights Commission in the year 2004 and the writ petitioner raised preliminary objection regarding maintainability of the complaint on the ground of limitation.

3. The State Human Rights Commission held that the complaint is well within the period of limitation and consequently posted the main case



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for enquiry on 31.08.2004.

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4. The writ petition filed in the year 2004 is pending for the past about 19 years and the learned counsel for the petitioner is also not aware whether the main case been disposed of or not.

5. No doubt, maintainability of a complaint or the point of limitation is to be decided as the preliminary issue and in the present case, it was decided by the State Human Rights Commission. The point of limitation was decided by the State Human Rights Commission in favour of the complainant and the case was posted for an enquiry.

6. On account of efflux of time, it is preferable that the petitioner raise all his grounds before the State Human Rights Commission if at all the main case has not been disposed of. The petitioner is at liberty to raise the issue regarding the point of limitation, if the main case is pending. If the main case has already been disposed of, then the writ petition became



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infructuous.

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7. With the abovesaid liberty, the writ petition stands disposed of.

However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

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Speaking Order/Non-Speaking Order.

Neutral Citation : Yes/No.

Internet : Yes/No.

Index: Yes/No.

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To

1.The State Human Rights Commission,
Tamil Nadu, No.35,
Thiru Vi Ka Salai,
Chennai-600 014.

2.The Commissioner,
Corporation of Chennai,
Chennai-600 003.



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S.M.SUBRAMANIAM, J.

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