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W.P.No.948 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.948 of 2013

and

W.M.P.No.24764 of 2016

Mr.Saravanan Karuppasaamy

... Petitioner

Vs.

- 1.State Government of Tamil Nadu
Through Its Chief Secretary
Secretariat, Chennai – 600 009.
- 2.Director General of Police
Dr.Radha Krishnan Road,
Mylapore, Chennai – 600 004.
- 3.State Human Rights Commission Tamil Nadu
Through Its Chairperson
Thiruvarangam, No.143, P.S.Kumarasamy Raja Salai,
(Green Ways Road), Chennai – 600 028.
- 4.A.Arun IPS
Superintendent of Police,
CBCID, Guindy Industrial Estate,
Guindy, Chennai – 600 032.
- 5.Sambasivam
Dy Superintendent of Police
OCU CBCID. Corporation Building,
Dr.Nanjappa Road, Coimbatore – 18.



- 6.J.Cedric Manuel
Inspector of Police
OCU CBCID, Corporation Building,
Dr.Nanjappa Road, Coimbatore – 18.
- 7.P.Sahadevan
Inspector of Police
OCU CBCID, Corporation Building,
Dr.Nanjappa Road, Coimbatore – 18.
- 8.S.Umapathy
Inspector of Police, CBCID,
Coimbatore – 18.
- 9.G.Arumugam
Sub-Inspector of Police
OCU CBCID. Corporation Building,
Dr.Nanjappa Road, Coimbatore – 18.
- 10.Jayaprakasam, HC-939
OCU CBCID, Corporation Building,
Dr.Nanjappa Road, Coimbatore – 18.
- 11.Stephen Sen, Gr II PC-1777
OCU CBCID, Corporation Building,
Dr.Nanjappa Road, Coimbatore – 18.
- 12.Senthil Kumar, Constable
OCU CBCID, Corporation Building,
Dr.Nanjappa Road, Coimbatore – 18.
- 13.Arjunan, Constable
OCU CBCID, Corporation Building,
Dr.Nanjappa Road, Coimbatore – 18.



14.T.Jayaraman
Reception Thasildhar
Collectorate, Coimbatore – 18.

... Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, a) directing to initiate an independent investigation preferably by CBI or SIT into the incident of harassment and torture faced by the petitioner herein at the hands of the officials of the CB-CID, Tamil Nadu Police; b) direct the officials of the CB-CID, Tamil Nadu Police to immediately return properties and documents seized and robbed by them by illegally raiding the premises of the petitioner organisations offices in Chennai and Delhi.

For Petitioner	: Mr.Saravanan Karuppasamy Party-In-Person
For R1 & R2	: Mr.R.Shunmuga Sundaram Advocate General Assisted by Mr.T.Arun Kumar Additional Government Pleader & Ms.A.G.Shakeenaa
For R3 to R14	: No Appearance

ORDER

The writ of Mandamus has been filed to transfer the investigation to the CBI or SIT into the incident of harassment and torture faced by the petitioner herein at the hands of the officials of the CB-CID, Tamil Nadu



Police and to direct the officials of the CB-CID, Tamil Nadu Police to immediately return the properties and documents seized and robbed by them by illegally raiding the premises of the petitioner's organisation and offices in Chennai and Delhi.

2. The petitioner states that he is the Human Rights Defender Cum Activist and a chairman cum Editor-in-Chief of duly registered organisation by the name of World Human Rights Commission and Rescue Center (WHRC), New Delhi and Akila Ulaga Manitha Urimaikal Padhukappu Anaiyam (AUMUOA) (The World's leading Non Government Voluntary Organization) with its Tamil Nadu registered Office functioning at No.3B, Sivananda Nagar, Kolathur, Chennai – 600 099. and the Branch Offices at various cities of India.

3. The petitioner states that he is the Founder cum Managing Director of duly registered Trust by the name of World Human Rights Association Center and Rescue Congress Party of India.



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4. The grievance of the writ petitioner is that false criminal cases are foisted against the petitioner and more so, he was harassed by the Police Officials in violation of the Human Rights. The petitioner agitated against the law college incident occurred in the year 12.11.2008 and the said matter has already been disposed of. In respect of human rights violation and the alleged harassment caused to the petitioner. He has initiated several proceedings against the Police Officials and the authorities competent.

5. The petitioner-in-person made a submission that the investigation is to be transferred to CBI or a special investigation team is to be appointed to conduct an enquiry and investigation.

6. The petitioner-in-person articulated his case by narrating various instances and the manner in which he was being harassed by the Police Officials without any documents or evidence to prosecute the petitioner.

7. The learned Advocate General appearing on behalf of the respondents 1 and 2 relying on the affidavit filed by the Director General of Police brought to the notice of this Court that when the writ petition in



W.P.No.32041 of 2014 came up for hearing on 09.11.2022, this Court passed an order as follows:

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“Though the State of Tamil Nadu had informed the National Human Rights Commission that it does not agree with the recommendation of the Commission in the year 2014, in view of the judgment of the Full Bench of High Court of Madras in Abdul Sathar Vs. State of Tamil Nadu, the option to disagree is not available to the State anymore. It is for the State either to comply with or to challenge the orders and directed the chief Secretary, Government of Tamil Nadu who is required to take a call on the compliance with the orders of the National Human Rights Commission, in the light of the observations of the Hon'ble Full Bench in Abdul Sathar Vs. State of Tamil Nadu and report by 15.11.2022.”



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8. The Government has already disagreed to accept the recommendations of the National Human Rights Commission, in obedience to the orders of the High Court dated 09.11.2022. The Government of Tamil Nadu, as a special case decided to sanction Rs.15,000/- as compensation to the petitioner vide G.O.Ms.No.760 dated 17.11.2022 by the Public (Law and Order – A) Department to the W.P.No.32041 of 2014.

9. The Government has filed SLP No.10761 of 2021 challenging the orders passed by the High Court in Abdul Sathar Vs. State of Tamil Nadu, and the said SLP is pending before the Hon'ble Apex Court of India. The petitioner also filed a SLP challenging the criminal cases registered against him, wherein the charge sheet has already been filed. When both the SLPs are pending before the Apex Court of India, the relief as such sought for in the present writ petition cannot be considered by this Court at this point of time.

10. It is brought to the notice of this Court that the charge sheet has already been filed and therefore, there is no impediment for the Trial Court to complete the trial and dispose of the criminal cases registered against the writ petitioner as expeditiously as possible. Further, there is no impediment for



the petitioner to adjudicate all the issues before the Hon'ble Supreme Court of India in the SLP filed by him in SLP No.368 of 2020.

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11. In view of the facts and circumstances, the petitioner is at liberty to pursue his remedy in respect of the cases subjudiced before the Hon'ble Supreme Court of India and before the Competent Criminal Court of law, where the criminal cases are registered. After disposal of those cases, the petitioner is at liberty to initiate all appropriate actions in the manner known to law for redressal of his grievances.

12. The petitioner made a submission that he has already established his innocence before the Hon'ble Supreme Court of India. Thus, it is for him to place all the materials before the Courts, where the matters are subjudiced as well as before the Human Rights Commission.

13. The petitioner is at liberty to initiate all appropriate action against whom, he has raised the allegations, if in the event of establishing such allegations before the Competent Forum.



14. With this liberty, this Writ Petition stands disposed of. No costs.

Consequently, connected Miscellaneous Petition is closed.

17.04.2023

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Index : Yes

Speaking order

Neutral Citation : Yes

To

1.The Chief Secretary

State Government of Tamil Nadu
Secretariat, Chennai – 600 009.

2.The Director General of Police

Dr.Radha Krishnan Road,
Mylapore, Chennai – 600 004.

3.The Chairperson

State Human Rights Commission Tamil Nadu
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4.The Superintendent of Police,

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5.The Dy Superintendent of Police

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8. The Inspector of Police, CBCID,
Coimbatore – 18.
9. The Sub-Inspector of Police
OCU CBCID. Corporation Building,
Dr.Nanjappa Road, Coimbatore – 18.
10. The Head Constable - 939
OCU CBCID, Corporation Building,
Dr.Nanjappa Road, Coimbatore – 18.
11. The Grade II PC-1777
OCU CBCID, Corporation Building,
Dr.Nanjappa Road, Coimbatore – 18.
12. The Constable
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