



WEB COPY



W.P.No.18337 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 10.08.2023

CORAM

**THE HON'BLE MRS. JUSTICE J.NISHA BANU
AND
THE HON'BLE MRS. JUSTICE N.MALA**

**W.P.No18337 of 2018
and WMP.No.21660 of 2018**

A.Sambandam

..Petitioner

Vs.

1.The State Human Rights Commission

Thiruvaramam

143, P.S.Kumarasamy Raja Salai

Greenways Road

Chennai-28

2.J.Sivakumar

3.L.Sankar

4.L.Krishnan

5.Murugan

6.Munusamy

7.Vaikumdamoorthy

8.V.Dhanaraj

9.V.Varadharaju

..Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India,
praying to issue writ of certiorarified mandamus calling for the records



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relating to the order dated 21.06.2018 made in Petition in SHRC case No.5669 of 2008 on the file of the 1st respondent, quash the same and consequently direct the 1st respondent herein to receive the additional documents filed on 19.04.2018 in SHRC.No.5669 of 2008.

For Petitioner :: Mr.M.Adhishree

For respondents :: Mr.C.Jayaprakash for R1

Mr.Sairaman for R2 to R7

R8 and R9 – No appearance.

ORDER

(Order of the Court was made J.Nisha Banu, J.)

This writ petition is filed praying to quash the order dated 21.06.2018 made in Petition in SHRC case No.5669 of 2008 on the file of the 1st respondent and consequently to direct the 1st respondent herein to receive the additional documents filed on 19.04.2018 in SHRC.No.5669 of 2008.

2. The order passed in SHRC.Case No.5669 of 2008 dated 21.6.2018 would read that the documents sought to be marked by the petitioner will not in any way helpful to the petitioner in deciding the main issue; no reason is stated for the delay in filing the application to receive 32 documents as



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additional documents subsequent to the filing of his proof affidavit on 24.08.2009.

3. The issue raised by the petitioner before the State Human Rights Commission is that he was dispossessed forcibly by his erstwhile landlord S.Kanagaraj along with respondents 2 to 9 who are serving in the police department. The petitioner in respect of eviction on the hands of landlord filed RCOP and the steps taken by the landlord for his eviction required him to take action against respondents 2 to 9 and therefore, filed complaint before the State Human Rights Commission in Case No.5669 of 2008.

4. The affidavit filed in support of the writ petition and the typed set of papers would go to show that even earlier, this court allowed the writ petition and quashed the impugned order passed by the first respondent holding that the allegations made in the complaint are very serious in nature and they need to be looked into by the Commission, which is constituted under the Act for that purpose.

5. The present writ petition is filed as against the order passed by the State Human Rights Commission, 1st respondent, on 21.06.2018, wherein, the



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petitioner's application filed to receive 32 additional documents and permit him to file additional proof affidavit based on the materials collected subsequent to the filing of his proof affidavit on 24.08.2009, was dismissed by the SHRC, holding that no reasons are stated for the delay in filing the said application and there is no bonafide on the part of the petitioner.

6. The records would go to show that the petitioner herein presented himself before the Commission for all hearings. Further more, the case is to be adjudicated on merits and the same requires both sides to put forth their case including evidence both documentary and oral. In such circumstances, the Commission should be very liberal in allowing application for filing additional documents. That will not cause any prejudice to the other side. Therefore, we allow this writ petition and quash the impugned order dated 21.06.2018 passed by the 1st respondent and restore the application in case No.5669 of 2008 for fresh consideration to the file of the 1st respondent. The petitioner is directed to appear before the Commission on the date fixed for hearing and on the subsequent dates. The 1st respondent-Human Rights Commission, is directed fix the date for hearing and communicate the same to the petitioner at the earliest.



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7. This writ petition is allowed on the above terms. No costs.

Consequently, connected miscellaneous petition is closed.

(J.N.B, J.) (N.M., J.)

10.08.2023

nvsri

To

1.The State Human Rights Commission

Thiruvaramgam

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J. NISHA BANU, J.
and
N.MALA, J.

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