



W.P.No. 24638 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.09.2023

CORAM

THE HONOURABLE Mrs. JUSTICE J.NISHA BANU
AND
THE HONOURABLE Mr.JUSTICE.V.LAKSHMINARAYANAN

W.P.No. 24638 of 2023

L.Muruganantham

..Petitioner

Vs.

1. Tamilnadu State Human Rights Commission,
Represented by its Registrar,
No.143, P.S.Kumarasamy Raja Salai,
Chennai- 600028

2. The State of Tamilnadu
Represented by its Additional Cheif Secretary to Government,
Home Department, Secretariat,
Fort St. George, Chennai-600009

3. Ms.Disha Mittal
Superintendent of Police,
District Police Office,
Palladam Road,
Tiruppur-641604

4. Jeyaraman
Deputy Superintendent of Police,
Dharapuram-638656



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5. P.Gopinath
Inspector of Police,
Dharapuram Police Station
Dharapuram-638656

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the Order in SHRC Case No. 5310 /22 / 3/ 2021 dated 08.05.2023 passed by the 1st Respondent, quash the said order and consequentially direct (a). the Respondents 2 to 5 to provide the compensation of 10 lakh Rupees to petitioner along with exemplary costs. (b) 2nd Respondent to issue Government order to deal with Complaints of persons with disability including the victim with mental illnesses in the most prompt disabled friendly manner and to conduct the enquiry at the residence of persons with disability in the disabled friendly manner and further (c) Honble Court if deems fit in interest of justice to render further directions.

For Petitioner	: Mr.L. Muruganantham (P-In-P)
For Respondents	: Mr. C. Jayaprakash Standing Counsel for R1 Mr. P. Gurunathan Additional Government Pleader for R2,

ORDER

(Order of the Court was made by V.LAKSHMINARAYANAN, J.,)

Challenging the Order in SHRC Case No. 5310 /22 / 3/ 2021 dated 08.05.2023 passed by the 1st respondent, the petitioner has filed the present



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Writ Petition, whereby the petitioner's complaint made before the 1st respondent was closed under Section 17(1)(b) of the State Human Rights Act, 1993.

2.The petitioner claims to be a practising Lawyer, against whom human rights violation are alleged to have taken place, at the instance of the private respondents. According to him, he was warned by the police officials, who appeared in mufti and they had inflicted human rights violation on him, even after knowing that the petitioner is suffering from Becker Muscular Dystrophy. Therefore, he raised a complaint before the 1st respondent and filed an affidavit dated 02.01.2023. According to him, without giving opportunity to him, the case was closed on 08.05.2023.

3.Mr.C.Jayaprakash, learned Standing Counsel appearing for the 1st respondent would submit that prior to the closing of the complaint a report was received from the DIG, Coimbatore and after perusal of the said report, complaint was closed as against the 5th respondent.



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4. Heard both sides and perused the materials available on record.

5. When an adverse order is passed against the complainant/petitioner, it is expected that the complainant ought to have been heard before the orders were passed. In fact, it is the case of chequered history. There was a previous complaint, which was given by the petitioner, that ended in a favourable recommendation by the SHRC. The compensation has also been enhanced by this Court by way of an order in Writ Petition in W.P.No.22431 of 2021 dated 29.11.2022.

6. Considering the strained relationship between the petitioner and the 5th respondent and the fact that there could have been possibility of violation of human rights without going into the merits of the case, we are of the view that liberty may be granted to the petitioner to substantiate his case before the SHRC - 1st respondent. Accordingly, the impugned order in SHRC Case No. 5310 /22 / 3/ 2021 dated 08.05.2023 is set aside and the matter is remanded to the 1st respondent for fresh disposal, after hearing the petitioner.



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7. With the above directions, this Writ Petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

(J.N.B.,J.) (V.L.N.,J.)
05.09.2023

Index: Yes/No
Speaking/Non-speaking order
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To

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