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W.P.No.32709 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2023

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI
and

THE HONOURABLE MRS.JUSTICE R.HEMALATHA

W.P.No.32709 of 2022

and

W.M.P.No.32091 of 2022

1.E.Jayaprakash,
S/o. P.Essan,
then Sub-Inspector of Police,
Gudalur Police Station,
The Nilgris District.

Now Serving as
Sub-Inspector of Police,
Periyamayakkan Palayam,
SRKV Post, Coimbatore – 641 020.

2.M.Chellapandi,
S/o. M.Mayandi,
Police Constable,
Devala Police Station,
The Nilgris District.

.. Petitioners

Vs.

1.The Tamil Nadu State Human Rights Commission,
Represented by its Registrar,
143, P.S.Kumarasamy Salai,
Greenways Road,
Chennai – 600 028.

2.The Additional Chief Secretary to Government,



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Home Department, Secretariat,
Fort. St. George,
Chennai – 600 009.

3.The Director General of Police,
No.1, Dr.Radhakrishna Salai,
Mylapore, Chennai – 600 004.

4.A.Usman

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to impugned order dated 06.10.2022 passed in SHRC case No.12562 of 2019 by the 1st respondent and quash the same.

For Petitioners : Mr.M.Deivanandam

For R1 : Mr.A.Thiyagarajan
Standing Counsel

For RR 2 & 3 : Mr.P.Gurunathan
Additional Government Pleader

For R4 : Mr.S.Parthasarathy

ORDER

(Order of the Court was delivered by R.HEMALATHA, J.)

Challenge is made to the order dated 06.10.2022, passed by the State Human Rights Commission, Tamil Nadu, in SHRC Case No.12562 of 2019.

2.Heard Mr.M.Deivanandam, learned counsel appearing for



petitioners, Mr.A.Thiyagarajan, learned Standing Counsel appearing for 1st respondent, Mr.P.Gurunathan, learned Additional Government Pleader appearing for respondents 2 & 3 and Mr.S.Parthasarathy, learned counsel appearing for 4th respondent and perused the entire materials on record.

3.The learned Standing Counsel appearing for the 1st respondent made his submission in support of the order of the State Human Rights Commission, Tamil Nadu and submitted that the 1st respondent has considered the entire materials on record, framed points for consideration and by giving valid reason, passed orders and prayed for dismissal of the Writ Petition.

4.A perusal of the records shows that the State Human Rights Commission, Tamil Nadu after narrating the facts of the case, framed two points for consideration, which are reproduced hereunder:

“(1) Whether the respondents have violated the human rights of the petitioner?”

“(2) If so, what compensation he is entitled to?”

Thereafter, the State Human Rights Commission, Tamil Nadu



passed the following order:

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“POINT 1:-

5. Perusal of the depositions, proof affidavit as well as the written arguments proves the contradictory statements of the respondents and the excess committed by them; so there is violation in this case on the part of the respondents. Also, the respondent's contention that they have taken the petitioner to Grand View Hotel, on the way to remand him at Sub-Jail, Gudalor only on his request in order to safeguard his reputation among public, is totally unacceptable.

POINT 2:-

6.Now that, the Point No.1 is made against the petitioner, next this Commission has to decide the compensation to be given to the petitioner. In continuation of the above discussions, this Commission is of the view that the complainant should be duly compensated for the human rights violation he has suffered.”

5.Thus, it is clearly seen that the State Human Rights Commission,



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Tamil Nadu has not applied its mind while considering the entire case on records and passed a non-speaking order. In view of the same, the order dated 06.10.2022, passed by the State Human Rights Commission, Tamil Nadu in SHRC Case No.12562 of 2019 is set aside and the matter is remitted back to the State Human Rights Commission, Tamil Nadu, for a fresh disposal in accordance with law, within a period of three months from the date of receipt of a copy of this order.

6.Since, evidence has already been recorded, the matter may be posted for arguments.

7.With the above observations, the Writ Petition is allowed. Consequently, the connected Miscellaneous Petition is closed. No costs.

(V.M.V., J) (R.H., J)
24.02.2023

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Index : Yes / No
Internet : Yes / No
Neutral Citation : Yes / No



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V.M.VELUMANI, J.
and

R.HEMALATHA, J.

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To

- 1.The Tamil Nadu State Human Rights Commission,
Represented by its Registrar,
143, P.S.Kumarasamy Salai,
Greenways Road, Chennai – 600 028.
- 2.The Additional Chief Secretary to Government,
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