



W.P(MD)Nos.9111 to 9113 of 2006

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.11.2023

CORAM :

**THE HONOURABLE MR.SANJAY V.GANGAPURWALA, CHIEF JUSTICE
and
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

**W.P(MD)Nos.9111 to 9113 of 2006
and
M.P.(MD)Nos.2, 2 & 2 of 2006**

S.Muthupillai ... Petitioner in W.P(MD)No.9111 of 2006

R.Narayanasamy ... Petitioner in W.P(MD)No.9112 of 2006

K.P.Pasumpon ... Petitioner in W.P(MD)No.9113 of 2006

Vs.

1.The Secretary Government of Tamil Nadu,
Home Department,
Secretariat,
Chennai – 9.

2.The State Human Rights Commission,
Rep. by Acting Chair Person,
Justice Pratap Singh Maligai,
Royapettah High Road,
Chennai -14.



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3.The Superintendent of Police

Thoothukudi District,
Thoothukudi.

4.The Secretary,

Thoothukudi District Committee,
Communist Party of India (Marxist)
No.16, Masilamanipuram 3rd Street,
Thoothukudi.

5.R.Ganesan

... Respondents in all Writ Petitions

COMMON PRAYER : Writ Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari calling for the records relating to the case in S.H.R.C case No.4878 of 2004 on the file of the State Human Rights Commission, Tamil Nadu, the second respondent and quash the order, dated 27.03.2006 made therein.

In all Writ Petitions

For Petitioners : Mr.G.Thalaimutharasu

For Respondents : Mr.T.Amjad Khan – for R1& R2

Government Advocate

Mr.T.Senthil Kumar – for R3

Additional Public Prosecutor

Mr.L.Shaji Chellan – for R4 & R5



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COMMON ORDER

[Order of the Court was made by The Hon'ble CHIEF JUSTICE]

Heard Mr.G.Thalaimutharasu, learned counsel for the petitioners, Mr.T.Amjad Khan, learned Government Advocate appearing for the respondents 1 & 2, Mr.T.Senthil Kumar, learned Additional Public Prosecutor appearing for the third respondent and Mr.L.Shaji Chellan, learned counsel appearing for the respondents 4 and 5.

2. The petitioners in W.P.(MD)Nos.9111 and 9113 of 2006 have retired from service. The petitioner in W.P.(MD)No.9112 of 2006 is still in service.

3. The petitioners in all these petitions assailed the order passed by the State Human Rights Commission, dated 27th March, 2006. Under the said order, the Commission held that these petitioners are liable for Human Rights Violation and each of them shall pay compensation of Rs.10,000/- (Rupees Ten Thousand only) to Witness No.1 - Ganesan.



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4. It is contended that Witness No.1 - Ganesan went to the Police Station along with his uncle. In the Police Station, the petitioners beat and tortured Ganesan and was allowed to go home on further payment of Rs.10,500/- (Rupees Ten Thousand and Five Hundred only) to settle the case with them. Ganesan was severely beaten. He was admitted in the hospital as an inpatient at 03.45 a.m.

5. The petitioners had denied the allegations.

6. The learned counsel for the petitioners submits that none of the witnesses were examined by the Commission, except complainant i.e., the Communist Party (Respondent No.4). The enquiry report is also not given to the petitioners. Principles of natural justice are violated. The incidents are not proved.

7. The proceedings before the Commission is not criminal in nature. The injuries on the person were substantiated by the family members, viz., Witness Nos.2, 3 and 4. Witness No.5 is Dr.Justine who testified about Ganesan being admitted at 03.45 a.m., and he had given treatment. The details were given by Dr.Justine. The injuries on Ganesan were proved by Dr.Justine. Ganesan was summoned to the



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Soorankudi Police Station, it is proved as he had visited the Police Station.

8. This Court in its Writ jurisdiction under Article 226 of the Constitution of India would not sit in appeal over the judgment of the Commission. It would consider whether the Commission had followed the proper procedure and that the order of the Commission is not perverse or arbitrary. The evidence has been discussed and by preponderance, the Commission has arrived at a conclusion.

9. It is also submitted by the learned Government Pleader that Departmental enquiry was initiated against these petitioners. The charges against Muthupillai were dropped and charges were proved against Narayanasamy and Pasumpon and punishment was also imposed on them of reducing the pay by two stages for a period of two years with cumulative effect.

10. The departmental enquiry was conducted with regard to the same incident. There also, two of the petitioners were found guilty in the departmental enquiry.



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11. In light of that, as the Commission has arrived at a probable conclusion, no further interference is called for.

12. The Writ Petitions as such are dismissed. No costs. Consequently connected miscellaneous petitions are closed.

[S.V.G., C.J.]

[K.K.R.K., J.]

29.11.2023

Index : Yes / No
Neutral Citation : Yes / No

RM



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THE HONOURABLE CHIEF JUSTICE

and

K.K.RAMAKRISHNAN, J.

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