IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE ACTING CHIEF JUSTICE MR. A.MUHAMED MUSTAQUE

&

THE HONOURABLE MR. JUSTICE S.MANU

THURSDAY, THE 1ST DAY OF AUGUST 2024 / 10TH SRAVANA, 1946

WP(C) NO. 9674 OF 2023

PETITIONER/S:

SHEMEERKHAN P.A
AGED 48 YEARS
S/O. K.A ABBAS, SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH,
KOTTAYAM, RESIDING AT PARACKAL HOUSE,
KOOTTICKAL P.O, MUNDAKAYAM,
KOTTAYAM DISTRICT, PIN - 686514

BY ADVS.
JOSEPH GEORGE
P.A.REJIMON
SAJEEV JOHN T.

RESPONDENTS:

1 **KERALA STATE HUMAN RIGHTS COMMISSION**
REPRESENTED BY ITS REGISTRAR TURBO PLUS TOWER,
PMG ROAD, THIRUVANANTHAPURAM, PIN - 695033

2 **STATE OF KERALA**
REPRESENTED BY PRINCIPAL SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, GOVERNMENT SECRETARIATE,
THIRUVANANTHAPURAM, PIN - 695001

3 **HAREENDRAN PILLAI**
AGED 55 YEARS
FATHERS NAME NOT KNOWN TO THE PETITIONER,
GOPALAKRISHNA VILASAM, ITHITHANAM P.O,
CHANGANASERRY, KOTTAYAM DISTRICT,
PIN - 686535

BY ADVS.
PRABHA R.MENON
Arun Thomas
SANTHOSH MATHEW(K/1376/1995)
SRI.K.P.HARISH, SR.GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01.08.2024, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

J U D G M E N T

A.Muhamed Mustaque, Acg.C.J.

The petitioner has approached this Court aggrieved by the direction of the Kerala State Human Rights Commission. It appears that the Human Rights Commission proceeded to pass an order as though there was no response on the side of the petitioner, after acknowledgment of notice from the Human Rights Commission.

2. The petitioner's case is that he has not received notice. The petitioner produced a postal cover, marked as Ext.P3, which shows that notice was served on the petitioner on 25.02.2023. An order was passed by the Commission on 14.02.2023. Therefore, it is clear that order was passed without hearing the petitioner.

Accordingly, the impugned order is set aside. The Human Rights Commission is free to proceed afresh, after hearing the petitioner and the complainant after issuing notice to them.

Sd/-
A.MUHAMED MUSTAQUE,
ACTING CHIEF JUSTICE

Sd/-
S.MANU,
JUDGE

rkj

APPENDIX OF WP(C) 9674/2023

PETITIONER EXHIBITS

Exhibit P-1	**TRUE PHOTOCOPY OF NOTICE NO:1143/22/KTM DATED 23-12-2022 ISSUED BY THE KERALA STATE HUMAN RIGHTS COMMISSION.**
Exhibit P1 TRANSLATION	**ENGLISH TRANSLATION OF EXHIBIT P-1**
Exhibit P-2	**TRUE PHOTOCOPY OF THE ORDER DATED 14-02-2023 IN HRMP NO:1143/11/7/2022/KTM OF THE KERALA STATE HUMAN RIGHTS COMMISSION**
Exhibit P2 TRANSLATION	**ENGLISH TRANSLATION OF EXHIBIT P-2**
Exhibit P-3	**TRUE PHOTOCOPY OF THE POSTAL COVER CONTAINING POSTAL SEAL DATED 25-02-2023**
Exhibit P3 TRANSLATION	**ENGLISH TRANSLATION OF EXHIBIT P-3**
Exhibit P-4	**TRUE PHOTOCOPY OF NOTICE NO:1143/22/KTM DATED 02-02-2023 ISSUED BY THE KERALA STATE HUMAN RIGHTS COMMISSION**
Exhibit P4 TRANSLATION	**ENGLISH TRANSLATION OF EXHIBIT P-4**