



Rev.Appl.No.244 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.08.2024

CORAM :

THE HON'BLE MR.JUSTICE S.S.SUNDAR

and

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Review Application No.244 of 2024
in W.P.No.6229 of 2022

Ravichakravarthy

.. Petitioner

Vs

1.State Human Rights Commission,
Tamil Nadu,
143-P.S.Kumarasamy Raja Salai,
Greenways Road,
Chennai-600 028.

2.S.Suthakar
3.Seetharaman
4.Muruganantham

.. Respondents

Prayer : Review Application under Order 47, Rule 1 read with Section 114 of CPC to review the order dated 21.3.2022 passed in W.P.No.6229 of 2022.

For the Petitioner

: Mr.V.Meenakshi Sundaram
for Mr.T.Thangadurai



WEB COPY



Rev.Appl.No.244 of 2022

For the Respondents : Mr.C.Jayaprakash
Standing Counsel
for respondent No.1

: Mr.M.Muthappan
for respondent No.2

: Mr.V.Senthilvadelan
for Mr.Aravind. S
for respondent No.4

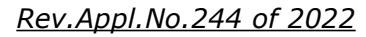
ORDER

(Order of the Court was made by *S.S.SUNDAR, J.*)

This review application is directed against the order dated 21.3.2022 passed in W.P.No.6229 of 2022.

2. The review applicant is the second petitioner in the writ petition. In the writ petition, the review applicant along with respondents 3 and 4 challenged the order of the State Human Rights Commission dated 25.1.2022 passed in S.H.R.C.No.10927 of 2018. By the order dated 21.3.2022, a Division Bench of this Court dismissed the writ petition.

3. Brief facts that are necessary for disposal of this review



(i) The second respondent herein has preferred a complaint before the State Human Rights Commission. Several allegations are made against all the writ petitioners, who are the then Deputy Commissioner of Police, Musuri; Inspector of Police, Chaiyangapet Police Station (review applicant herein); and the Inspector of Police, Jambunathapuram Police Station. After giving an opportunity to the complainant as well as the writ petitioners, the State Human Rights Commission has recommended the Government to pay a sum of Rs.5.00 lakh as compensation to the complainant and recover Rs.4.00 lakh from the first writ petitioner and Rs.50,000/- each from the review applicant and the fourth respondent herein.

(ii) When the writ petitioners, including the review applicant, filed the writ petition, a common affidavit was filed stating that all the three writ petitioners have not committed any human rights violation. However, this Court, on consideration of the allegations and the findings of the State Human Rights Commission, came to a conclusion that the findings of the State Human Rights Commission



Rev.Appl.No.244 of 2022

are based on the evidence let in by the complainant and the writ petitioners and, therefore, no interference is called for and dismissed the writ petition. Seeking review of the said order passed by this Court dated 21.3.2022, the present review application is filed.

4. Learned counsel for the review applicant submitted that the complaint does not disclose any specific human rights violation committed by the review applicant. Learned counsel also pointed out that the State Human Rights Commission has not framed separate issues as against all the three writ petitioners individually, in order to focus on the pleadings and evidence with reference to the allegations that are levelled against each of them.

5. Learned counsel for the review applicant then submitted that in the absence of any specific pleading against the review applicant especially when no separate issue was framed with regard to human rights violation alleged to be committed by the review applicant, the order of this Court confirming the order of the State Human Rights Commission cannot be sustained.



Rev.Appl.No.244 of 2022

6. This Court considered the grounds raised in the review application and the facts of the case within the scope of review.

7. Time and again, the Hon'ble Supreme Court and this Court held that review is not an appeal in disguise and the order/judgment cannot be reviewed on the grounds which are outside the scope of Order 47, Rule 1 of the Code of Civil Procedure, 1908 [for short, "CPC"].

8. Under Order 47, Rule 1 CPC, a judgment may be open to review, *inter alia*, if there is a mistake or an error apparent on the face of the record. It is trite that review jurisdiction cannot be exercised to re-hear the matter. An error, which is not obvious and has to be detected by a process of reasoning, cannot be said to be an error apparent on the face of the record warranting exercise of review jurisdiction under Order 47, Rule 1 CPC.

9. In the present case, before the State Human Rights Commission, a common counter-affidavit has been filed by the respondents therein, including the review applicant, denying all the



Rev.Appl.No.244 of 2022

WEB COPY
averments. In fact, the review applicant has not focused his case properly before the State Human Rights Commission. This Court, having gone through the pleadings where the involvement of the review applicant is specifically averred, is of the view that the general statement of learned counsel for the review applicant that there is no averment in the complaint as against the review applicant, cannot be countenanced.

10. It is apposite to note that unless the review applicant is able to show any glaring error or mistake apparent on the face of record, the review application cannot be entertained. Merely because the order under review is not an elaborate order and does not deal with certain matters which the review applicant deems significant or relevant, the same is not a ground to review the order in question. Even from the grounds raised in this review application, this Court is able to see that grounds are raised challenging the correctness of findings of the State Human Rights Commission as well as this Court in the writ petition.

11. Though the review applicant has raised a specific ground



Rev.Appl.No.244 of 2022

that the order under review cannot be sustained on the ground of misconception of facts and law, this Court is unable to find any substance in it, as the findings of the State Human Rights Commission are based on appreciation of the evidence. When it is admitted that the complaint was registered against the review applicant under SC/ST (Prevention of Atrocities) Amendment Act, 1989, the fact that remand report does not refer to the provision of SC/ST (Prevention of Atrocities) Amendment Act, 1989, cannot be a ground to seek review.

12. The order of the State Human Rights Commission indicates that criminal prosecution should be initiated against the writ petitioners. This Court finds that no specific allegation with regard to the overt act committed by the review applicant for criminal prosecution has been pointed out. Though this plea was raised before this Court while hearing the writ petition, the Division Bench while delivering the order has not considered the same. In the absence of any specific finding as to the offence committed by the review applicant warranting criminal prosecution, this Court finds that the recommendation of the State Human Rights Commission to



Rev.Appl.No.244 of 2022

initiate criminal prosecution against the review applicant is an error apparent.

13. In the result, the review application is partly allowed. The recommendation of the State Human Rights Commission to initiate criminal prosecution against the review applicant is set aside. There shall be no order as to costs. Consequently, W.M.P.Nos.28138 and 28139 of 2022 are closed.

(S.S.S.R., J.)

(S.S.K., J.)

28.08.2024

Index : Yes/No
NC : Yes/No
bbr

To:

The State Human Rights Commission, Tamil Nadu,
143-P.S.Kumarasamy Raja Salai,
Greenways Road,
Chennai-600 028.



WEB COPY



Rev.Appl.No.244 of 2022

S.S.SUNDAR, J.
AND
SATHI KUMAR SUKUMARA KURUP, J.

bbr

Review Application No.244 of 2022

28.08.2024