



WEB COPY

W.P.No.4021 of 2025



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE K.RAJASEKAR

W.P.No.4021 of 2025

Vinoth

... Petitioner

Vs.

1. The Assistant Registrar,
Tamil Nadu State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Raja Annamalai Puram,
Chennai - 600 028, Tamil Nadu.

2. The Secretary,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Chennai - 600 001.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, seeking for an issuance of writ of certiorarified mandamus, to call for the records in Case No10165/22/22/2022/OC and set aside the impugned order dated 22.08.2024 and remand back the complaint to the 1st respondent for a fresh hearing of the complaint dated 21.07.2022.



WEB COPY

W.P.No.4021 of 2



For Petitioner

: Mr.M.V.V.N.Sivanthi

ORDER

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

The order passed by the Tamil Nadu State Human Rights Commission rejecting the complaint in proceedings dated 22.08.2024 is sought to be assailed in the present writ petition.

2. The petitioner states that he was illegally detained in prison for about 70 days. Since he was detained by the Police Authorities without any authority under law, the petitioner made a complaint before the Tamil Nadu State Human Rights Commission for initiation of action and to grant compensation. The Human Rights Commission closed the complaint on two grounds, viz., (i) as the subject matter is pending before the Court, hence subjudice as per Regulation 9(g) and (ii) as the subject matter falls outside the purview of this Commission as per Regulation 9(j) of the State Human Rights Commission, Tamil Nadu (Procedure) Regulations, 1997.



W.P.No.4021 of 2022

WEB COPY

3. It is not in dispute that the petitioner suffered detention order under Act 14 of 1982. The detention order reveals that he suffered two previous criminal cases in Crime Nos.68 of 2018 & 1493 of 2021. Another case was registered in Crime No.27 of 2022 under Sections 341, 294(b), 354(A), 354(D), 506(ii) IPC r/w 4 of T.N.P.H.W Act, 2002, which is a ground case in the detention order.

4. The main contention of the petitioner is that he was detained under Act 14 of 1982 illegally and kept in prison for 70 days. Despite the fact that the Advisory Board recommended for release of the petitioner, he was not released. Therefore, the complaint was filed.

5. This Court is of the considered opinion that the petitioner was in actual imprisonment, pursuant to the order of detention passed under the provisions of Act 14 of 1982. Those facts require an adjudication before the competent forum. During the relevant point of time, when the complaint was filed by the petitioner, the matter was subjudice before the Court. When the detention order was under challenge or placed before the Advisory Board for consideration, the Human Rights Commission may not be in a position to entertain the complaint.



WEB COPY

W.P.No.4021 of 2024



6. Therefore, this Court do not find any infirmity in the reasons assigned in the order impugned for closing the complaint. It is for the petitioner/complainant to approach the appropriate forum in the manner known to law.

With the above observations, the Writ Petition stands **dismissed**. No costs.

[S.M.S,J.] [K.R.S,J.]

13.02.2025

veda

Index: Yes/No

Speaking order/Non-speaking order

Neutral Citation: Yes/No

To

1. The Assistant Registrar,
Tamil Nadu State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Raja Annamalai Puram,
Chennai - 600 028, Tamil Nadu.
2. The Secretary,
Home, Prohibition and Excise Department,
Government of Tamil Nadu,
Chennai - 600 001.



WEB COPY



W.P.No.4021 of 2

S.M.SUBRAMANIAM,J.
AND
K.RAJASEKAR,J.

veda

W.P.No.4021 of 2025

13.02.2025