



W.P.No.7493 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2025

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**

and

THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.7493 of 2022

and

W.M.P.No.7499 of 2022

1. P.Bhuvaneswari
W/o.Saravanan

2. V.Thandapani
S/o.Vaithiyanathan

... Petitioners

vs.

1. R.Rajasekar
Grade - I Police Constable - 1267
Organized Crime Intelligence Unit (OCIU)
Thittakudi Sub Divsiion
Cuddalore District.

2. The State Human Rights Commission
Rep. by its Registrar
143, P.S.Kumarasamy Raja Salai
Greenways Road, Chenani-28.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India



W.P.No.7493 of 2022

seeking a Writ of Certiorari, calling for the records pertaining to the order passed in SHRC No.5124 of 2019 dated 28.01.2022 from the file of the State Human Rights Commission, Tamil Nadu, the 2nd respondent herein and quash the same as invalid, unsustainable in law and illegal.

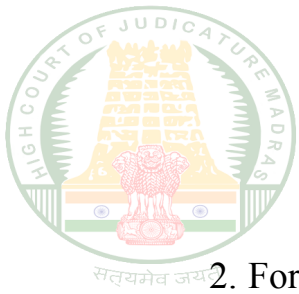
For Petitioner : Dr.C.Ravichandran

For Respondents : Mr.R.Sreerangan, for R1
Mr.T.C.Gopalakrishnan, for R2

ORDER

[Order of the Court was made by **HEMANT CHANDANGOUDAR.J.,**]

The captioned Writ Petition (hereinafter referred to as “WP” for the sake of brevity, convenience, and clarity) has been filed seeking the issuance of a writ of certiorari to quash the order dated 28.01.2022 passed by the State Human Rights Commission – Tamil Nadu (hereinafter “SHRC”) in SHRC No.5124 of 2019. By the said order, the Government of Tamil Nadu was directed to pay compensation of Rs.1,00,000/- to the complainant and to recover a sum of Rs.75,000/- from the first respondent and Rs.25,000/- from the second respondent before the SHRC.



W.P.No.7493 of 2022

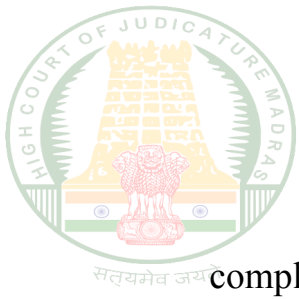
2. For clarity and convenience, the parties are referred to by their respective ranks before the SHRC.

3. Factual Background:

3.1 The SHRC took suo motu cognizance based on a news article published in the Tamil magazine Kumudham Reporter dated 11.06.2019. The article reported that the complainant, Rajasekar, a police constable in the Organized Crime Intelligence Unit (OCIU), Villupuram, was deputed to gather intelligence in his jurisdiction. During his surveillance in the village of Kallur, within the jurisdiction of Ramanatham Police Station, he found that a quarry operated by one Periasamy was in possession of gelatin sticks and detonators used for blasting rocks, which were not stored securely.

3.2 The report further stated that no qualified personnel were appointed to handle such explosives. The complainant informed the Inspector of Police, OCIU, who instructed him to visit the site and verify the situation.

3.3 It was reported that while the complainant was filming the explosives, Mr. Mani, the quarry manager, confronted him. The



W.P.No.7493 of 2022

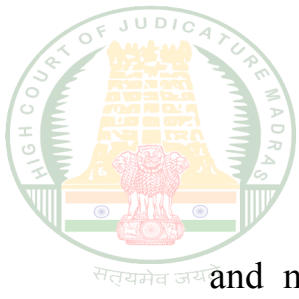
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complainant then informed the first respondent (Inspector of Police, Ramanatham Police Station), who allegedly arrived at the scene with the second respondent and questioned him for acting without informing her. It is alleged that she treated the complainant in an undignified manner and issued threats. The complainant also submitted a special report to his superior officers in this regard.

3.4 Subsequently, the complainant lodged a formal complaint before the SHRC reiterating the allegations made in the news report, based on which suo motu proceedings were initiated.

4. The respondents before the SHRC appeared and denied all allegations. They contended that, based on a similar complaint, the Superintendent of Police, Cuddalore, had conducted an inquiry and submitted a report concluding that no such incident had taken place and that the respondents had not violated the complainant's human rights. It was also submitted that a case was registered against Mr. Varadharajan and Mr. Mani under Section 98(1)(b) of the Explosives Act, 1884.

5. In support of his case, the complainant examined himself as P.W.1



W.P.No.7493 of 2022

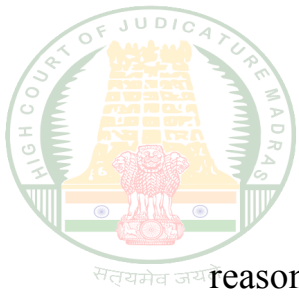
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and marked Exhibits P1 to P5. The first and second respondents were examined as R.W.1 and R.W.2 respectively and marked Exhibits R1 to R5.

6. The SHRC, after evaluating the oral and documentary evidence, held that the respondents had violated the complainant's human rights and passed the impugned order.

7. Dr. C. Ravichandran, learned counsel for the petitioners (respondents before the SHRC), submitted that apart from the self-serving testimony of the complainant, there was no corroborative evidence to support the claim that the respondents had issued threats or acted in a manner violating human rights. He further submitted that, upon receiving credible information, a case had been registered under Section 98(1)(b) of the Explosives Act, 1884, and therefore, there was no dereliction of duty.

8. In response, Mr. R. Sreerangan, learned counsel for the first respondent/complainant, submitted that the testimony of P.W.1 established that the respondents had indeed violated the complainant's human rights and failed to act against the quarry owner despite credible information. He contended that the SHRC had rightly appreciated the evidence and passed a



W.P.No.7493 of 2022

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reasoned order, which did not suffer from any perversity or illegality.

9. Mr. T.C. Gopalakrishnan, learned counsel for the second respondent (SHRC), adopted the submissions made by the learned counsel for the first respondent/complainant.

10. The arguments advanced by the learned counsel on both sides were duly considered.

11. The primary allegation against the first respondent before the SHRC is that, despite receiving credible information, she failed to register an FIR against the quarry owner in possession of gelatin sticks and detonators. However, the record shows that the incident occurred on 01.06.2019 at around 2:15 p.m., and an FIR was registered the same day at 7:00 p.m. Hence, it cannot be concluded that the first respondent failed to act on credible information. Consequently, the SHRC's finding that the first respondent did not register the FIR cannot be sustained.

12. As regards the allegation that the first respondent threatened the complainant, the only material on record is the complainant's uncorroborated testimony. During cross-examination, this allegation was



W.P.No.7493 of 2022

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specifically denied by the respondents, and the complainant merely refuted the denial. The allegations of threat are vague and omnibus in nature, lacking specific details as to how and in what manner the first respondent allegedly threatened the complainant. Therefore, in the absence of substantive evidence to support the claim that the respondents violated the complainant's human rights, the SHRC's finding based solely on the testimony of P.W.1 is unsustainable and warrants interference.

13. In light of the foregoing discussion, this Court is of the considered view that the complainant has not prima facie established any violation of his human rights by the respondents before the SHRC.

14. Accordingly, the Writ Petition is allowed, and the impugned order dated 28.01.2022 passed by the SHRC in SHRC No.5124 of 2019 is hereby set aside. Consequently, the connected writ miscellaneous petition is closed. There shall be no order as to costs.

(M.S.J.) (H.C.J.)
24.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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Page Nos.7/9



W.P.No.7493 of 2022

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W.P.No.7493 of 2022

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W.P.No.7493 of 2022

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Page Nos.9/9