



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10-03-2025

WEB COPY

CORAM

THE HONOURABLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

WP No. 8328 of 2025

and

WMP.Nos.9338 & 9340 of 2025

1. ALAGURANI

D/o.Chinnasamy, 7th Ward, Sathi Nagar,
Nullaivadi Post, Attur Town And Taluk,
Salem District

2. VELMURUGAN

S/o.Ariyamuthur, New Housing Board,
Kurinji Nagar, No.L/278
Narasingapuram, Attur Taluk, Salem
District

3. VELU

S/o.Varatharaj, Ramanaickenpalayam
Village,
Attur Taluk,
Salem District

4. NAGARAJAN

S/o.L.Janakiraman,
Sc/St Vigilance Cell,
Salem Zone, Salem District



WP No. 8328 of 2025



Petitioner(s)

Vs

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1. The State Human Rights
Commission

Tamilnadu Rep By its Member,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai-600 028

2.A.N.Panner Selvam

No.21, 30 Feet Road, Balaji Nagar,
Ankaputhur, Chennai-600 070

3.P.Paramasivam Pillai

S/o.Bamanatha Pillai, Dharmakartha
Thotta, Pananthopu Colony,
Deviyakurichi Post, Thalaivasal Taluk,
Salem District

4.K.Senthil Kumar

S/o.Kumarasamy Pillai, No.1/11,
North Street, Deviyakurichi Post,
Thalaivasal Taluk, Salem District

5.R.Venkatesan

S/o.Rayor Pillai, No.1/47 North Street,
Deviyakurichi Post,
Thalaivasal Taluk, Salem District

Respondent(s)

PRAYER

Calling for the records relating to the impugned complaint dated 04.03.2024 and the consequential summon dated 06.11.2024 vide case No.5670/22/13/2024/C3 issued by the 1st respondent and quash the same as illegal, non est in the eye of law.



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For Petitioner(s): Mr.A.K.Sriram Senior Counsel
For M/s.A.Rajakumar

For Respondent(s): Mr.E.Veda Bagath Singh,
Special Government Pleader
(For R1)

ORDER

(Order of the Court was made by S.M.Subramaniam J.)

The summon issued by the State Human Rights Commission in proceedings No.5670/22/13/2024/C3, dated 06.11.2024 and the complaint dated 04.03.2024 are sought to be assailed in the present Writ Petition.

2. Learned Senior Counsel appearing on behalf of the petitioner would mainly contend that there is no allegation in the complaint relating to infringement of human rights, and therefore, the complaint *per se* is not entertainable before the Human Rights Commission. Consequently, the summon issued is to be set aside.

3. No writ against a complaint or summon is entertainable in a routine manner. A Writ against summon may be entertained, only if it is issued by an incompetent authority having no jurisdiction or tainted with the allegations of malafide. When the Human Rights Commission vests with the powers to decide its own jurisdiction, the petitioner, instead of placing all the grounds before the Commission for adjudication or closing the complaint, has erroneously chosen



the High Court by filing the present Writ Petition, which is not entertainable.

The Human Rights Commission is empowered to adjudicate the complaint by conducting an enquiry. However, such a roving enquiry cannot be conducted by the High Court in exercise of the power of judicial review under Article 226 of the Constitution of India. Therefore, interference against summons may cause prejudice to the interest of all the parties or deprive them from adjudicating the issues on merits. Thus, the High Court is expected to be cautious, while entertaining such Writ Petitions in exercise of the powers of judicial review or preventing the original forum to adjudicate the issues on merits based on the documents and evidences available on record.

4. Thus, the arguments raised by the learned Senior Counsel appearing on behalf of the petitioner are neither candid nor convincing.

5. Accordingly, the Writ Petition is dismissed, with liberty to the petitioner to raise all the grounds before the State Human Rights Commission. No costs. Consequently, the connected Miscellaneous Petitions are closed.

(S.M.SUBRAMANIAM J.)(K.RAJASEKAR J.)

10-03-2025

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Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



To

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**S.M.SUBRAMANIAM
J.
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