



W.P.No.14709 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2025

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THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **HEMANT CHANDANGOUDAR**

W.P.No.14709 of 2021
and
W.M.P.Nos.15609 & 15610 of 2021

S.Rajendran
S/o.Sivasamy

... Petitioner

VS.

1. The State Human Rights Commission
Rep. by the Registrar
Thiruvarangam, 143
P.S.Kumarasamy Raja Salai
(Greenways Road)
Chennai-600 028.

2. Thiru. Jaisankar
S/o.Gothandam

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a Writ of Certiorari, to call for the records in State Human Rights Commission Case No.7675 of 2018 order dated 11.06.2021 passed by the 1st respondent and quash the same as ultravires.



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For Petitioner : Mr.M.Velmurugan
For Respondents : Mr.K.Arun
for Mr.K.S.Srigiri Prasad, for R1
R2 - No appearance

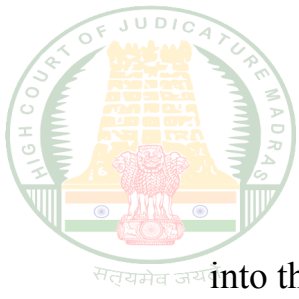
ORDER

[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 challenging the order passed by the first respondent – State Human Rights Commission, Tamil Nadu, by which the Government of Tamil Nadu was directed to pay a compensation of Rs.25,000/- to the second respondent – complainant and recover the same from the petitioner.

2. Factual Background:

2.1 The second respondent filed a complaint before the first respondent Commission stating that he has been selling coriander and mint leaves in Koyambedu Market for the past 25 years. On 06.07.2018 at around 5:00 a.m., one Rajasekar (President of the Merchants Association, Koyambedu Market) along with about 20 others allegedly threw away the complainant's coriander and mint leaves, worth approximately Rs.10,000/-,



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into the trash.

2.2 When the complainant questioned this, Rajasekar allegedly claimed that the complainant was not an authorized vendor and that he was acting under the authority of the petitioner to remove encroachments. Subsequently, Rajasekar lodged a complaint with K-10 Koyambedu Police Station, resulting in the registration of Crime No.787 of 2018 under Sections 341, 294(b), and 353 IPC against the complainant.

2.3 The petitioner, allegedly to support Rajasekar, also lodged a complaint against the complainant without conducting a proper inquiry and is said to have misused his official authority.

2.4 The petitioner denied the allegations, asserting that he acted lawfully in his capacity as Chief Administrative Officer of the Koyambedu Wholesale Market Complex, pursuant to the directions of this Court in W.P. No.26149 of 2018 to remove encroachments. Neither party adduced any evidence before the Commission, which passed the impugned order based on available records.

3. Submissions:

3.1 Mr. M. Velmurugan, learned counsel for the petitioner, submitted



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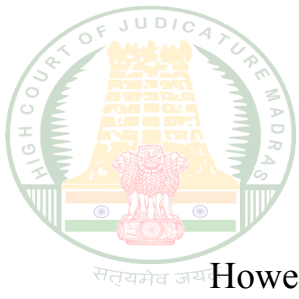
that the FIR was registered based on information received from the market's security personnel and Rajasekar. The police, after investigation, filed a charge sheet, and therefore, the petitioner's actions were within the scope of his official duties. In the absence of proof of malice, the Commission's order is legally unsustainable.

3.2 Mr. K. Arun, learned counsel for R1 – Commission, contended that the Commission rightly passed the order after perusing the materials on record and that the same requires no interference.

3.3 On 07.07.2025, there was no representation for either side. The matter was adjourned to 08.07.2025 to afford an opportunity to the parties. Today, the second respondent is absent despite his name appearing in the cause list. Therefore, the petition is disposed of on the basis of submissions of learned counsel who are present and heard out.

4. Admittedly, neither the petitioner nor the complainant adduced oral or documentary evidence before the Commission. The impugned order was passed solely on available documents.

5. The primary allegation is that the petitioner filed a false complaint leading to the FIR against the complainant, causing him mental distress.



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However, the petitioner acted upon information received from market personnel and Rajasekar. The police, after due investigation, filed a charge sheet.

6. The Commission relied on a report from the Chief Executive Officer, CMDA, noting that the complainant was neither a rowdy element nor a habitual offender. The Commission observed that no previous case had been registered against the complainant, nor had any action been taken under Section 21 of the Tamil Nadu Specific Commodity Market Act, 1996.

7. Crucially, there is no evidence, oral or documentary to establish that the complainant was falsely implicated or that the petitioner acted with mala fide intent. The mere filing of a complaint, followed by police investigation and charge sheet, cannot constitute proof of misconduct or violation of human rights in the absence of concrete evidence that the complainant was maliciously prosecuted.

8. In light of the above, this Court finds that the impugned order is unsustainable in law. There is no material to establish that the petitioner subjected the complainant to torture or that he filed the complaint with mala fide intent.



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9. Accordingly, the Writ Petition is allowed and the impugned order dated 11.06.2021 passed by the first respondent in SHRC No.7625 of 2018 is hereby set aside. Consequently, connected writ miscellaneous petitions are closed. There shall be no order as to costs.

(M.S.J.,) (H.C.J.,)
08.07.2025

Index : Yes / No
Neutral Citation : Yes / No
Speaking / Non-speaking

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To

The State Human Rights Commission
Rep. by the Registrar
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M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,

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