



W.P.No.17741 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 01.08.2025

CORAM

THE HONOURABLE MR. JUSTICE M.SUNDAR
and
THE HONOURABLE MR. JUSTICE T.VINOD KUMAR

W.P.No.17741 of 2020
& W.M.P.No.21994 of 2020

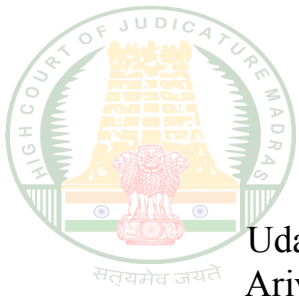
K.K.C.Senthil Kumar
Son of Late K.K.Chinnappan

... Petitioner

VS.

1. State Human Rights Commission
No.143, P.S.Kumarasamy Raja Salai
Greenways Road, Chennai
Pincode – 600 028
2. The District Collector
Ariyalur, Ariyalur District
3. The District Revenue Officer
Ariyalur, Ariyalur District
4. The Revenue Divisional Officer
Udayarpalayam Taluk
Ariyalur District
5. The Tahsildar
Taluk Office
Jayankondam

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Udayarpalayam Taluk
Ariyalur District

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6. Jayangondam Hand Loom Weavers
Co-operative Production and Sales Society
Represented by its Special Officer
R.554, Jayankondam Post
Udayarpalayam Taluk
Ariyalur District – 621 802

7. Mr.P.A.Ravi

...Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorari to call for the records relating to the impugned order passed in SHRC Case No.6035/2018 dated 26.11.2019 by the first respondent – State Human Rights Commission, Chennai, Tamil Nadu and quash the same as illegal and violation of natural justice and consequently confirm the order passed by erstwhile Revenue Divisional Officer, Udayarpalayam in Na.Ka.A2/1093/2018 dated 20.03.2018 and orders passed in SHRC Case No.6035/2018 by the erstwhile Revenue Divisional Officer, Udayarpalayam in Na.Ka.A2/0262/2019 dated 04.03.2019 in respect of this case.

For Petitioner : Mr.B.Kumar
Senior counsel
instructed by
Ms.Usha Raman

For Respondents : Mr.Arun Anbumani

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for Mr.A.Thiagarajan for R1 (SHRC)

Mr.T.K.Saravanan
Addl. Govt. Pleader for R2 to R5

Mr.R.Balaramesh for R6

Mr.A.C.Kumaragurubaran for R7

ORDER

[Order of the Court made by M.SUNDAR, J.]

In the captioned writ petition, a 'recommendation / order dated 26.11.2019 made by 'Tamil Nadu State Human Rights Commission' ['SHRC' for the sake of brevity] in SHRC Case No.6035 of 2018' {hereinafter 'impugned order' for the sake of brevity, convenience and clarity} has been assailed.

2. As regards the parties to the captioned writ petition Mr.B.Kumar, learned Senior Advocate appearing on behalf of / instructed by Ms.Usha Raman, counsel on record for writ petitioner, Mr.Arun Anbumani, learned counsel representing the counsel on record for R1 (SHRC), Mr.T.K.Saravanan, learned Additional Government Pleader for official



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respondents (R2 to R5), Mr.R.Balaramesh, learned counsel for R6 and Mr.A.C.Kumaragurubaran, learned counsel for R7 are before us. To be noted, R6 and R7 are private respondents and R7 is the complainant before SHRC.

3. After hearing the afore-referred Senior counsel and counsel, this Court is of the considered view that the entire matter turns on a very narrow compass i.e., on a short point and that short point is on jurisdiction of SHRC.

4. The epicentre of the issue is a civil transaction and repels arising out of the same. The genesis appears to be purchase of 'land admeasuring 3 acres and 45 cents comprised in 'S.No.103/5 in Angarayanallure West Village, Udayarpalayam Taluk, Ariyalur District' [hereinafter 'said land' for the sake of brevity and convenience] by one Mr.N.M.Mani in and vide a sale deed dated 29.08.1984, registered as Document No.1051/1984 on the file of 'SRO' ['Sub-Registrar Office'], Jayamkondacholapuram . It is alleged that Mr.N.M.Mani, purchased an extent of 1.38 acres in same Survey



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No.103/5 from one Balasubramanian and Ramachandran, said to be legal heirs of one Mr.Chinnathambi in and vide a sale deed dated 10.09.1984.

This 10.09.1984 sale deed is registered as Document No. 1086 of 1984 also on the file of SRO, Jayamkondacholapuram. Thereafter, there has been alienation by Mr.N.M.Mani. He has filed a suit for declaration of title being O.S.No.14 of 2013 on the file of Subordinate Judge's Court, Ariyalur (thereafter transferred to the file of Subordinate Judge's Court, Jayankondam and re-numbered as O.S.No.97 of 2017) which was ultimately withdrawn on 02.11.2017. Thereafter, there has been issue of patta in favour of Mr.N.M.Mani on 28.07.2017. We express no opinion or view on these transactions and we make it clear that these facts have been set out only for the limited purpose of capturing the essential facts i.e., facts imperative for appreciating instant order.

5. In the aforementioned scenario, R7 approached SHRC complaining that purchase of afore-referred 1.38 acres by Mr.N.M.Mani is from persons who have no title and his further sale to writ petitioner Mr.K.K.C.Senthil Kumar does not convey title.

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WEB COPY 6. While we refrain from expressing any view or opinion on this complaint, suffice to say that the complaint even as captured in the impugned order of SHRC neither makes out any violation of human rights nor falls within the remit of the jurisdiction of SHRC. In this regard, we deem it appropriate to refer to the operative portion of the impugned order of SHRC, which is paragraph 16 and the same reads as follows:

'16. In the result, this Commission doth recommend as follows:

The Principal Secretary to Government, Government of Tamil Nadu, Revenue and Disaster Management Department to direct the District Collector, Ariyalur to pass necessary orders to quash the erring order passed by the Tahsildar, Jayankondam in செ.மு.ந.க.அ5/4415/2013 நாள் 08.07.2013 and T.K.8A.No.8648/2012 by sub-dividing the Survey No.103/5A 0.56.50 and 103/5B 0.83.20 Ares in Patta No.2620 and cancel the patta No.2620 and issue patta in favour of 65 Members/land owners of the Jayankonda Cholapuram Handloom Weavers Co-operative Society including the Complainant P.A.Ravi residing at No.73 Devangar Mudaliar Street, Jayankonda Cholapuram, Ariyalur District in respect of Survey No.103/5 to the total extent of 3 acre 45 cents as per the sale deed dated 29.08.1984 executed by V.M.Pakkirisamy in favour of the President of the said Society.'



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WEB COPY 7. From a plain reading of the above, it is clear that SHRC has examined title, revenue proceedings and has returned a finding on what is otherwise a civil dispute, plain and simple. In this regard, three provisions of the 'Protection of Human Rights Act, 1993 (Act No. 10 of 1994)' [hereinafter 'said Act' for the sake of brevity and convenience] are relevant and they are Sections 2(d), 12 and 18, which read as follows:

*'2. **Definition.**- (1) In this Act, unless the context otherwise requires,--*

(a)

(b)

(c)

(d) "human rights" means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India;'

*'12. **Functions of the Commission.**- The Commission shall perform all or any of the following functions, namely:-*

(a) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf or on a direction or order of any Court, into complaint of-

(i) violation of human rights or abetment thereof; or

(ii) negligence in the prevention of such violation, by a public servant;



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(b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;

(c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or any other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;

(d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;

(e) review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;

(f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;

(g) undertake and promote research in the field of human rights;

(h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;

(i) encourage the efforts of non-governmental organisations and institutions working in the field of human rights;

(j) such other functions as it may consider necessary for the promotion of human rights. '

'18. Steps during and after inquiry. - The Commission may take any of the following steps during or upon the completion of an inquiry held under this Act, namely- (a) where the inquiry discloses, the commission of violation of human rights or negligence



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in the prevention of violation of human rights or abetment thereof by a public servant, it may recommend to the concerned Government or authority-

(i) to make payment of compensation or damages to the complainant or to the victim or the members of his family as the Commission may consider necessary;

(ii) to initiate proceedings for prosecution or such other suitable action as the Commission may deem fit against the concerned person or persons;

(iii) to take such further action as it may think fit;

(b) approach the Supreme Court or the High Court concerned for such directions, orders or writs as that Court may deem necessary;

(c) recommend to the concerned Government or authority at any stage of the inquiry for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;

(d) subject to the provisions of clause (e), provide a copy of the inquiry report to the petitioner or his representative;

(e) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;

(f) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned



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Government or authority on the recommendations of the Commission.'

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8. On a plain reading of the aforesaid provisions, we have no hesitation in saying that neither the case of R7 before SHRC is a case of human rights violation nor does SHRC have the remit under said Act to examine civil transactions, go into title and return a finding together with a slew of directions to Revenue authorities. Therefore, we have no hesitation in interfering qua impugned order on this short point but we hasten to add that this order will not in any manner impact any of the rights and contentions of writ petitioner, R6, R7 and/or any other person/entity who may be concerned with the transactions. Equally and axiomatically, we make it clear that orders made by quasi-judicial authorities as well as judicial orders thus far touching upon the aforesaid factual matrix pertaining to aforesaid transaction will not in any manner be impacted by this order. We add that all questions including limitation are left open.

Ergo, the sequitur is captioned writ petition is allowed and impugned order of SHRC dated 26.11.2019 in SHRC Case No.6035 of 2018 is set



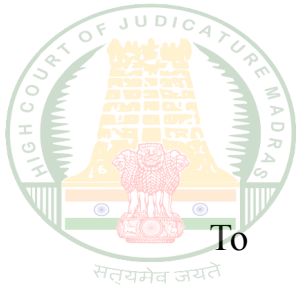
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aside albeit with observations and preservation of rights and contentions.

WEB COPY There shall be no order as to costs.

(M.S., J.) (T.V.K., J.)
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Index: Yes/No
N.C. : Yes/No
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