



W.P.No.19689 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 16.07.2025

CORAM

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

W.P.No.19689 of 2022

and

W.M.P. No.19017 of 2022 in W.P.No.19689 of 2022

P.Rajaratnam

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Tamil Nadu Secretariat, Chennai – 600 009.

2.The Registrar,
State Human Rights Commission,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road, Chennai – 600 028.

3.The Additional Chief Secretary to Government,
Home (Citizenship-II) Department,
Government of Tamil Nadu, Chennai – 600 009.

4.Amutha

... Respondents

Writ Petition filed under Article 226 of The Constitution of India
praying to issue a Writ of Certiorari to call for the records relating to
the impugned recommendation in SHRC No.3388 of 2020 passed by
the second respondent dated 08.06.2022 issued by the second
respondent and to quash the same.

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For Petitioner : Mr.D.Alexis Sudhakar
For Respondents : Mr.T.K.Saravanan,
Additional Government Pleader
for R1 and R3
Mr.S.Wilson for R2

ORDER

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

The captioned Writ Petition has been filed seeking issuance of a writ of certiorari to set aside the order dated 08.06.2022 passed by the State Human Rights Commission, Tamil Nadu (hereinafter referred to as "SHRC" for the sake of convenience and clarity) in SHRC Case No.3388 of 2020, whereby the Additional Chief Secretary to the Government, Home, Prohibition and Excise Department, Secretariat, Chennai, was directed to pay a sum of Rs. 2,00,000/- as compensation to the complainant and to recover the said amount from the petitioner herein. Further, a recommendation was made to the Government to initiate disciplinary action against the petitioner.

2. The parties are referred to as per their respective rankings before the SHRC, for the sake of convenience and clarity.

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3. Factual Background:

3.1 The complainant submitted a petition before the SHRC stating that she resides in Mumbai with her husband and two daughters. She had come to her native place, Pathamadaai, to spend holidays with her daughters and stayed with her mother-in-law, Subbulakshmi, and father-in-law, Mookandi. On 04.05.2020, a quarrel broke out between the complainant and her mother-in-law over a property dispute. Subsequently, her mother-in-law lodged a police complaint alleging that the complainant had assaulted her.

3.2 Based on the said complaint, the complainant was summoned to the police station. Upon her arrival, the Sub-Inspector of Police was not present; however, a Special Sub-Inspector of Police questioned her and registered a case in Crime No.168 of 2020 under Sections 294(b) and 323 IPC. The complainant further alleged that she was ill-treated and assaulted by the Special Sub-Inspector and that she was taken to the first floor of the police station by a lady constable for first aid. Thereafter, she sought medical attention at a hospital.



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3.3 The respondent (before the SHRC) entered appearance and categorically denied all the allegations. The complainant, in support of her case, filed a proof affidavit reiterating the contents of her complaint. The respondent also filed a proof affidavit, denying all allegations.

3.4 The SHRC, based on the affidavits filed, recorded a finding that the complainant had sustained multiple injuries due to the alleged assault by the respondent and held that this amounted to violation of her human rights, thereby passing the impugned order.

4. Learned counsel for the respondent/writ petitioner submitted that the SHRC passed the impugned order without conducting an enquiry as mandated under Section 13 of the Protection of Human Rights Act, 1993. He further submitted that there was no substantial evidence proving that the complainant had sustained injuries due to any assault by the respondent. In the absence of such proof, the order passed by the SHRC, holding that the respondent had violated the complainant's human rights, is not legally sustainable.



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5. In response, Mr. T.K. Saravanan, learned Additional Government Pleader appearing for R1 and R3, and Mr. S. Wilson, learned counsel for R2/SHRC, argued that the SHRC had rightly concluded—based on the proof affidavits—that the respondent/writ petitioner violated the human rights of the complainant. They submitted that in the absence of any perversity in the findings recorded by the SHRC, the impugned order does not warrant interference, and they accordingly prayed for dismissal of the writ petition.

6. Though notice was duly served on the complainant (R4), there was no representation on her behalf, either in person or through counsel. Accordingly, her name was printed in the cause list as served. Therefore, the writ petition is being disposed of based on the submissions made by the learned counsel for the parties present before the Court.

7. The arguments advanced by the learned counsel have been duly considered.



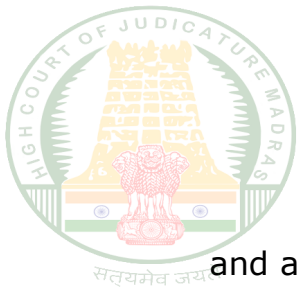
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8. As noted earlier, the complainant filed a proof affidavit reiterating the averments made in her complaint, and the respondent likewise filed a counter affidavit denying all allegations. In such circumstances, the SHRC was required to conduct an enquiry as contemplated under Section 13 of the Protection of Human Rights Act, 1993. However, the SHRC passed the impugned order solely on the basis of the affidavits. It observed that the doctor's certificate clearly indicated that the complainant had sustained multiple injuries on her body, which could only have been caused by assault with a hard object. On this basis, the SHRC concluded that the complainant had been beaten at the police station, thereby lending credibility to her allegations.

9. However, crucially, the doctor's certificate, which formed the basis for the SHRC's findings, was not marked or exhibited as part of the record or enclosed with the complainant's proof affidavit.

10. The finding recorded by the SHRC is, therefore, based on assumptions, surmises, and conjectures. In the absence of substantive



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and admissible evidence proving that the respondent had assaulted the complainant and thereby violated her human rights, the impugned order cannot be sustained in law.

11. Accordingly, the writ petition is allowed. The impugned order dated 08.06.2022 passed by the SHRC in SHRC Case No.3388 of 2020 is hereby set aside, and the complaint filed by the complainant (R4) before the SHRC stands dismissed. Consequently, the connected miscellaneous petition is also closed. There shall be no order as to costs.

(M.S.,J.) (H.C.J.)
16.07.2025

Index : Yes / No
Neutral Citation : Yes / No
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To

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Home, Prohibition and Excise Department,
Tamil Nadu Secretariat, Chennai – 600 009.
- 2.The Registrar,
State Human Rights Commission,
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**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

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3.The Additional Chief Secretary to Government,
Home (Citizenship-II) Department,
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