



W.P.No.19442 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

WEB COPY

DATED : 26.06.2025

CORAM

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

W.P.No.19442 of 2022
and
W.M.P.Nos.18747 & 22267 of 2022

Gajendran
S/o.Viswanathan

... Petitioner

vs.

1. The Registrar
State Human Rights Commission
Tamil Nadu
Thiruvaramgam
No.143, Kumarasamy Rajasalai
(Greenways Road)
Chennai-600 028.

2. Pon.Dhasarathan
S/o.Ponnusamy

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking Writ of Certiorari, to call for the records relating to the order passed by 1st respondent vide his proceedings in SHRC Case No.7822/2019 dated 25.05.2022 and quash the same.

Page Nos.1/8



W.P.No.19442 of 2022

WEB COPY

For Petitioner : Mr.M.Rajkumar
For Respondents : Mr.K.Suresh
Government Advocate, for R1
Mr.S.Thirumurugan
representing Mr.K.Bharathi, 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 issuance of a writ of certiorari to call for the records pertaining to the order dated 25.05.2022 passed by the first respondent – The State Human Rights Commission, Tamil Nadu – and to quash the same. By the said impugned order, the first respondent directed the Government to pay a sum of Rs.25,000/- (Rupees Twenty-Five Thousand only) as compensation to the second respondent herein and, in turn, to recover the said amount from the writ petitioner.



W.P.No.19442 of 2022

WEB COPY

2. The factual matrix giving rise to the present writ petition is as follows:

2.1 The second respondent herein preferred a complaint before the first respondent Commission, alleging inaction on the part of the writ petitioner while functioning as Special Sub-Inspector of Police at Guduvancheri Police Station, Chengalpet District. The complaint pertained to an incident in which the complainant (second respondent herein) had approached the police with a grievance; however, it was alleged that the petitioner failed to take any steps in furtherance of the complaint, resulting in an alleged violation of the second respondent's human rights.

2.2. Upon enquiry, the first respondent Commission, in paragraph No.10 of the impugned order dated 25.05.2022, recorded a finding that the writ petitioner failed to take appropriate action on the complaint and did not take steps to identify the aggressor involved in the incident. The Commission further held that the petitioner, by failing to initiate an enquiry or to act against the actual offender, had failed in his official duties and thereby violated the human rights of the complainant.



W.P.No.19442 of 2022

2.3. Consequently, the Commission proceeded to pass the impugned order, directing the State Government to compensate the complainant by paying Rs.25,000/-, with liberty to recover the said amount from the petitioner, thereby fastening personal liability on the writ petitioner for the alleged dereliction of duty.

3. Heard Mr.M.Rajkumar, learned counsel on record for the writ petitioner, Mr.K.Suresh, learned Government Advocate, for R1 and Mr.S.Thirumurugan, learned counsel representing Mr.K.Bharathi, counsel on record for R2.

4. A perusal of the impugned order passed by the first respondent – the State Human Rights Commission – indicates that, except for the allegation of dereliction of duty, there is no specific or reasoned finding to establish that such dereliction on the part of the petitioner resulted in the denial of liberty, threat to life, or obstruction of access to the judicial system, so as to constitute a violation of human rights as defined under law. It is relevant to note that the term “human rights” is defined under Section



W.P.No.19442 of 2022

2(1)(d) of the Protection of Human Rights Act, 1993 (hereinafter “the 1993 Act”), which reads as follows:

“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.

In the present case, there is no material finding by the first respondent Commission to show that the actions or inaction attributed to the writ petitioner fall within the parameters of this statutory definition. Mere dereliction of official duty, absent a demonstrable infringement of the fundamental rights relating to life, liberty, equality, or dignity, would not per se constitute a violation of human rights within the meaning of the 1993 Act.

5. Be that as it may, without delving into the merits of the matter or expressing any opinion on the correctness or otherwise of the findings recorded in the impugned order, this Court takes note of the submission made by the learned Additional Government Pleader appearing for the State that the compensation amount of Rs.25,000/- awarded to the second respondent has already been deposited and disbursed, and that the said



W.P.No.19442 of 2022

amount has also been recovered from the writ petitioner.

WEB COPY

6. In view of the above development, this Court is inclined to dispose of the captioned writ petition with the following directions:

i. The State Government shall not initiate any disciplinary proceedings against the writ petitioner solely on the basis of the observations or findings made in the impugned order dated 25.05.2022 passed by the first respondent Commission;

ii. It is further directed that the findings or observations contained in the said impugned order shall not be treated as adverse remarks and shall not be relied upon to affect the service conditions, seniority, promotion, or any other service benefit of the writ petitioner;

iii. Considering the nature of the allegations and the limited scope of this writ petition, the question as to whether dereliction of duty per se would amount to violation of human rights within the meaning of Section 2(1)(d) of the 1993 Act, is left open to be decided in an appropriate case.



W.P.No.19442 of 2022

7. With the above directions and observations, the writ petition stands disposed of. Consequently, W.M.P. No.18747 of 2022 is closed. There shall be no order as to costs.

8. In view of the disposal of the main writ petition, W.M.P. No.22267 of 2022 filed for impleading the proposed respondent as the third respondent in the writ petition also stands closed.

(M.S.J.,)

(H.C.J.,)

26.06.2025

Index : Yes / No

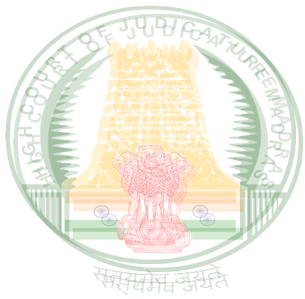
Neutral Citation : Yes / No

Speaking / Non-speaking

mk

To
The Registrar
State Human Rights Commission
Tamil Nadu
Thiruvarangam
No.143, Kumarasamy Rajasalai
(Greenways Road)
Chennai-600 028.

Page Nos.7/8



WEB COPY



W.P.No.19442 of 2022

**M.SUNDAR, J.,
and
HEMANT CHANDANGOUDAR, J.,**

mk

W.P.No.19442 of 2022

26.06.2025

Page Nos.8/8