



W.P.No.41819 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.11.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.41819 of 2025

&

W.M.P.No.46847 of 2025

S. Murugan

..

Petitioner

Vs.

1. The Secretary
State Human Right Commission, Tamil Nadu
Greenways Road
Chennai-28.
2. The Principal Secretary to Government (FAC)
Secretariat, Fort St. George
Chennai-9.
3. Director General of Police
Mylapore, Chennai-4.
4. Dy Inspector General of Police
Vellore, Range
Vellore.
5. The Superintendent of Police
Vellore District
Vellore- 632002.



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7. E.Bharanidharan

.. Respondents

Prayer : Petition filed under Article 226 of the Constitution of India seeking a writ of Certiorari to call for the records, in connection with the order dated 6-5-2025 in SHRC No.900/2017 passed by the Hon'ble State Human Rights commission, Chennai and quash the same.

For Petitioner : Mr.A.R.Umasankar
For Mr.R.Sampathkumar

For Respondents : Mr.T.K.Saravanan
Additional Government Pleader
for Respondent-2

Mr.R.Muniyapparaj
Additional Public Prosecutor
for Respondents 3 to 5

ORDER

(Order of the Court was made by
the Hon'ble Chief Justice)

Challenge to the order of Commission is founded mainly on the ground that the findings recorded by the Commission are based on evidence which ought to be disbelieved because of certain discrepancies and further that the Commission has not appreciated



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the evidence in proper perspective.

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2. We have gone through the order passed by the Commission. The findings recorded by the Commission, insofar as the overt act of petitioner is concerned, are based on the statement of complainant himself who was allowed to be cross-examined by petitioner. The Commission has minutely scrutinised the statement, which includes examination-in-chief and cross both. For reasons best known to petitioner, he did not enter witness box to prove his own defence.

3. The submission of learned counsel for petitioner that the Commission ought not to have accepted the version of the complainant, in the absence of there being any independent witness, as, the incident is alleged to have happened in public place, is not acceptable. Present is not a case of no evidence. Moreover, we do not find that the Commission has recorded finding based on any evidence which is inadmissible, much less it is not a case where, while arriving at a finding, the Commission completely



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ignored to take into consideration any clinching material evidence let in by petitioner.

4. In substance, petitioner seeks this Court to re-appreciate the evidence on record, which, we are unable to accept, as, this court is not exercising appellate jurisdiction, but only certiorari jurisdiction under Article 226 of the Constitution of India.

5. The contours of certiorari jurisdiction are well defined and succinctly stated by the Supreme Court in several decisions. The Constitution Bench of the Supreme Court, in the case of **Syed Yakoob v. K.S.Radhakrishnan and others**¹, made the following pertinent observations:

"7. The question about the limits of the jurisdiction of High Courts in issuing a writ of certiorari under Art. 226 has been frequently considered by this Court and the true legal position in that behalf is no longer in doubt. A writ of certiorari can be issued for correcting errors of jurisdiction committed by inferior courts or Tribunals; these are cases where orders are

¹ AIR 1964 SC 477



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passed by inferior courts or tribunals without jurisdiction, or in excess of it, or as a result of failure to exercise jurisdictions. A writ can similarly be issued where in exercise of jurisdiction conferred on it, the Court or Tribunal acts illegally or improperly, as for instance, it decides a question without giving an opportunity to be heard to the party affected by the order, or where the procedure adopted in dealing with the dispute is opposed to principles of natural justice. There is, however, no doubt that the jurisdiction to issue a writ of certiorari is a supervisory jurisdiction and the Court exercising it is not entitled to act as an appellate Court. This limitation necessarily means that findings of fact reached by the inferior Court or Tribunal as a result of the appreciation of evidence cannot be reopened or questioned in writ proceedings. An error of law which is apparent on the face of the record can be corrected by a writ, but not an error of fact, however grave it may appear to be. In regard to a finding of fact recorded by the Tribunal a writ of certiorari can be issued if it is shown that in recording the said finding, the Tribunal had erroneously refused to admit admissible and material evidence, or had erroneously admitted inadmissible evidence which has influenced the impugned finding. Similarly, if a finding of fact is based on no evidence, that would be regarded



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as an error of law which can be corrected by a writ of certiorari. In dealing with this category of cases, however, we must always bear in mind that a finding of fact recorded by the Tribunal cannot be challenged in proceedings for a writ of certiorari on the ground that the relevant and material evidence adduced before the Tribunal was insufficient or inadequate to sustain the impugned finding. The adequacy or sufficiency of evidence led on a point and the inference of fact to be drawn from the said finding are within the exclusive jurisdiction of the Tribunal, and the said points cannot be agitated before a writ court. It is within these limits that the jurisdiction conferred on the High Courts under Art. 226 to issue a writ of certiorari can be legitimately exercised (Vide Hari Vishnu Kamath v. Syed Ahmed Ishaque MANU/SC/0187/1954 : [1955] 1 SCR 1104, Nagendra Nath Bora v. The Commissioner of Hills Division and Appeals, Assam MANU/SC/0101/1958 : [1958] 1 SCR 1240, and Kaushalya Devi v. Bachittar Singh MANU/SC/0219/1959 : AIR 1960 SC 1168.)

6. In a recent judicial pronouncement in the case of **Central Council for Research in Ayurvedic Sciences and others v. Bikartan Das and others**², the aforesaid view was reiterated and the

² (2023) 16 SCC 462



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legal position has been made clear in this regard. Their Lordships in the Hon'ble Supreme Court, after elaborate discussion and after quoting English laws, held that writ of certiorari is a high prerogative writ and should not be issued on mere asking. In paragraphs 64 and 65, their Lordships held as under:

"64. Thus, from the various decisions referred to above, we have no hesitation in reaching to the conclusion that a writ of certiorari is a high prerogative writ and should not be issued on mere asking. For the issue of a writ of certiorari, the party concerned has to make out a definite case for the same and is not a matter of course. To put it pithily, certiorari shall issue to correct errors of jurisdiction, that is to say, absence, excess or failure to exercise and also when in the exercise of undoubted jurisdiction, there has been illegality. It shall also issue to correct an error in the decision or determination itself, if it is an error manifest on the face of the proceedings. By its exercise, only a patent error can be corrected but not also a wrong decision. It should be well remembered at the cost of repetition that certiorari is not appellate but only supervisory.

65. A writ of certiorari, being a high prerogative



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writ, is issued by a superior court in respect of the exercise of judicial or quasi-judicial functions by another authority when the contention is that the exercising authority had no jurisdiction or exceeded the jurisdiction. It cannot be denied that the tribunals or the authorities concerned in this batch of appeals had the jurisdiction to deal with the matter. However, the argument would be that the tribunals had acted arbitrarily and illegally and that they had failed to give proper findings on the facts and circumstances of the case. We may only say that while adjudicating a writ-application for a writ of certiorari, the court is not sitting as a court of appeal against the order of the tribunals to test the legality thereof with a view to reach a different conclusion. If there is any evidence, the court will not examine whether the right conclusion is drawn from it or not. It is a well-established principle of law that a writ of certiorari will not lie where the order or decision of a tribunal or authority is wrong in matter of facts or on merits. (See: King v. Nat Bell Liquors Ltd., (1922) 2 AC 128 (PC))”

7. In the absence of there being any patent error of jurisdiction or perversity in exercise of jurisdiction, we are not inclined to interfere with the impugned order. This is more so



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because the standard of proof is not that of proof beyond reasonable doubt, but preponderance of probability.

8. In the result, we have to hold that the petition is devoid of any material and therefore, is to be dismissed. There shall be no order as to costs. Consequently, the interim application is also dismissed.

(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
11.11.2025

Index : Yes/No
Neutral Citation : Yes/No

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THE HON'BLE CHIEF JUSTICE
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G.ARUL MURUGAN,J.

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