



WEB COPY



W.P.No.32679 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE R.SAKTHIVEL

W.P.No.32679 of 2022
and W.M.P.No.33058 of 2022

1.The Commissioner
Greater Chennai Corporation
Rippon Building
Chennai 600 003

2.H.Murugan
Zonal Officer
Zone III
Greater Chennai Corporation
Chennai

... Petitioners

Vs.

1.State Human Rights Commission
Rep. By its Registrar
No.143, P.S.Kumarasami Raja Street
Chennai

2.P.Gladson

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3.R.Sathyendraraj

Tahsildar

Madhavaram Taluk

Chennai

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution, praying to issue a Writ of Certiorari, calling for the record of 1st respondent in S.H.R.C. Case No.9511 of 2020 dated 30.09.2022 and quash the same as being passed without jurisdiction and in violation of Section 36(2) of the Protection of Human Rights Act, 1993.

For Petitioners : Mr.S.T.Bharath Gowtham
for M/s.K.Aswini Devi

For Respondent : Mr.Arun Anbumani – R1
Mr.K.Selvakumar – R2

Mr.G.Ameedius
Government Advocate - R3

ORDER

M.S.RAMESH, J.

and

R.SAKTHIVEL, J.

The second respondent / complainant had originally given a complaint before the Chennai Corporation, alleging that a temple was illegally constructed



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in the month of March 2018, in Survey No.14/2A1A1A1A1A of Kathirvedu

Village, Madhavaram Taluk, Chennai District. Later, on the undertaking given

by the persons responsible for such construction that there will not be any further

development of the temple, the complaint was withdrawn. Thereafter, when

there was further development of the construction of the temple in the month of

March 2020, he had given another complaint on 12.10.2020 to the State Human

Rights Commission (Commission) alleging that his rights have been violated.

The Commission, vide its order passed in S.H.R.C.No.9511 of 2020 dated

30.09.2022, gave recommendations to the Government to pay a sum of Rs.1 lakh

as compensation to the complainant, with a further direction to comply with the

request of the complainant within a period of two months from the date of the

receipt of the recommendation order. This order of recommendation is put under

challenge before this Court.

2.The learned counsel for the petitioners, who is the Commissioner of Greater Chennai Corporation and Zonal Officer of Greater Chennai Corporation submitted that the complaint itself is barred by limitation in view of Section 36



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(2) of the Protection of Human Rights Act, 1993. According to him, since the

construction of the temple was commenced in the month of March 2018, and the complaint was filed in 2020, the same cannot be maintainable. It is his further submission that pending the proceeding before the Commission, the concerned Tahsildar had conducted a survey of the subject land and found that though the said land has been used as a road, the property situated in Survey No.14 / 2A1A1A1A1A is a patta land, standing in the name of four private individuals. By placing reliance on this document, as well as the counter affidavit filed by the concerned Tahsildar before the Commission, he submitted that when the subject land is not a public land, there is no violation of human rights.

3.Per Contra, the learned counsel appearing for the second respondent / complainant refers to the counter affidavit filed by the Corporation and submitted that the pursuant to the second respondent's complaint, the Corporation has also initiated action for removal of the encroachments, since it was a public road, and therefore, the encroachment itself amounts to violation of his constitutional rights and hence the complaint was maintainable. Insofar as the limitation is



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concerned, he would submit that the original construction as well as the

subsequent development is a continuing cause of action, and therefore, the limitation of one year period under Section 36(2) of the Act will have no applicability, since the development of the construction in the month of March 2020.

4.Insofar as the ground of limitation is concerned, though Section 36(2) of the Act prohibits the State Commission from enquiring into any matter after the expiry of one year from the date on which the Act constituting violation of Human rights is alleged to have been committed. It is seen that after the original complaint was not pressed by the complainant, on the ground that there will not be further development of the temple, it appears that further development had commenced in the month of March 2020, which had prompted him to prefer the complaint before the Commission.

5.The cause of action in the second complaint is with regard to further development of the temple, and therefore, the cause of action for filing the



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complaint before the Commission, would commence from the month of March

2020 and hence the complaint is well within time. Thus, we are not inclined to accept the ground of limitation taken by the petitioners herein.

6.Insofar as the allegation of violation of human rights is concerned, it appears that based on the complaints, the Revenue Tahsildar had conducted a survey over the subject property and found the same to be a patta land. This factual position was also reiterated by the Revenue Tahsildar in the counter affidavit filed before the Commission. Though, the complainant now raises an objection that the construction was not in a private property but in a public road, there are no materials either before the State Commission or before this Court to substantiate his claim.

7.It is needless to point out that the Commission will also not be empowered to adjudicate over the title of a property in which, human rights violation is alleged to have arisen. This apart, Rule 9 of the State Human Rights Commission, Tamil Nadu Procedure Regulations, 1999, sets forth the

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circumstances under which the Commission may not ordinarily entertain the

complaint, which reads as follows:

9.Complaints not ordinarily entertainable. - The Commission may dismiss in limini complaints of the following nature:-

(a)Vague, anonymous or pseudonymous or illegible trivial or frivolous;

(b)Barred under Section 36(1) of the Act;

(c)Barred under Section 36(2) of the Act;

(d)Relates to civil dispute, such as property rights, contractual obligations;

(e)Relates to service matters or labour or industrial disputes;

(f)Allegations do not make out any specific violation of human rights;

(g)Matter is sub judice before a Court or Tribunal;

(h)Matter is covered by a judicial verdict or decision of the Commission;

(i)Where copy of the complaint addressed to some other authority is received by the Commission;

(j)Matter is outside the purview of the Commission.



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As per clause 9(d), complaints which relate to civil dispute such as property rights, etc. cannot be entertained by the Commission and requires to be dismissed *in limine*.

8. When the Revenue authorities themselves have asserted that the subject land is a patta land, which claim is opposed by the second respondent / complainant, adjudication of title over the property cannot be a subject matter for the Commission and it is for the aggrieved party to redress his grievances before the concerned Civil Court. Thus, in the light of the specific bar under Rule 9 (d), we are of the view that the Commission ought not to have entertained the complaint at all.

9. In light of the above observations and findings, the order passed by the State Human Rights Commission in S.H.R.C. Case No.9511 of 2020, dated 30.09.2022, does not withstand legal scrutiny and hence the same is set aside.



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10. In the result, the Writ Petition stands allowed. No costs. Consequently,

the connected miscellaneous petition is closed.

[M.S.R, J.] [R.S.V, J.]

18.11.2025

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Index: Yes / No

Neutral Citation

Speaking / Non Speaking

M.S.RAMESH, J.

and

R.SAKTHIVEL, J.

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To.

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1. The Registrar

State Human Rights Commission

No.143, P.S.Kumarasami Raja Street

Chennai

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and W.M.P.No.33058 of 2022

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