



W.P.No.34022 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.34022 of 2022
and
W.M.P.Nos.33477 & 33479 of 2022

- 1.The Superintendent of Police,
Office of the Superintendent of Police,
District Police Office,
Tirunelveli District.
- 2.The Additional Superintendent of Police,
Crime Against Women and Children,
I/c. ADSP, Head Quarters,
Office of the Superintendent of Police,
District Police Office,
Tirunelveli District.

... Petitioners

Vs.

- 1.The Chairman,
Tamil Nadu State Commission
for the Scheduled Castes and Scheduled Tribes,
No.31, TADCO Building, 3rd Floor,
Cenotaph Road, 2nd Lane, Teynampet,
Chennai – 18.

2.M.Paramanandham

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorari to call for the records of the respondent in connection with Petition No.994 of 2022 and the consequent order dated 07.12.2022 issued by the Tamil Nadu State Commission for SC/ST and quash the same as illegal, arbitrary and in violation of the settled position of law.

For Petitioners	:	Mr.K.M.D.Muhilan, Additional Public Prosecutor
For R1	:	Mr.P.Sesubalan Raja
For R2	:	No appearance

ORDER

This writ petition has been filed challenging the order dated 07.12.2022 made in Petition No.994 of 2022 on the file of the Tamil Nadu State Commission for SC/ST, issuing Bailable Warrant as against one Mr.P.Saravanan, I.P.S., Superintendent of Police, Tirunelveli District, for his appearance before the Commission on 28.12.2022.



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2. Brief background of the case is as follows :

One Paramanandham, the 2nd respondent herein, filed a petition dated 23.05.2022 before the Commission alleging that the lands belonging to them have been registered in the name of the private individuals. Therefore, he sought action against those persons by the Commission. A copy of the complaint was forwarded by the Commission to the Superintendent of Police, Tirunelveli District, along with a letter dated 10.08.2022, calling for a report from the Superintendent of Police. The Superintendent of Police, thereafter, forwarded the letter to the Deputy Superintendent of Police for enquiry and report. In the meanwhile, a reminder letter was also sent by the Commission on 03.08.2022. The enquiry report submitted by the Deputy Superintendent of Police was sent to the Commission through post on 20.09.2022. Thereafter, summons have been issued to the Superintendent of Police on 23.09.2022 for his personal appearance on 27.10.2022 and the same was received on 03.10.2022. Thereafter, a letter has been sent to the Commission on 06.10.2022 informing that enquiry report in G350/2607784/222 has been sent to the



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Commission on 20.09.2022. However, once again, summons was issued on 03.11.2022 for personal appearance of the Superintendent of Police on 30.11.2022 for explaining his non-appearance on 27.10.2022. On 30.11.2022, the Additional Superintendent of Police appeared before the Commission along with enquiry report on behalf of the Superintendent of Police. However, Bailable Warrant has been issued by the Commission on 07.12.2022 and the same has been challenged in this writ petition.

3.Learned Additional Public Prosecutor appearing for the petitioners would submit that the Commission has no power to issue such Bailable Warrant, particularly when the report as sought for by them has already been sent. He would further submit that the provision under Section 9 of the Tamil Nadu State Commission for the Scheduled Castes and Scheduled Tribes Act, 2021, cannot be pressed into service. Section 9 of the Act will apply only with regard to summoning the witness, discovery, production of any document, etc. When the report from the Superintendent of Police as sought by the Commission has already been despatched and also received by the Commission, the power under Section 9 of the Act cannot be pressed into service to issue warrant mechanically.



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4.Heard Mr.P.Sesubalan Raja, learned counsel appearing for the 1st respondent. I have perused the entire materials available on record.

5.It is relevant to note that originally the 2nd respondent has lodged a complaint before the Commission alleging that his lands have been registered in the name of some third parties. Thereafter, the complaint has been forwarded to the Superintendent of Police for giving a report, which has been enquired by the Deputy Superintendent of Police and admittedly, a report has also been sent through post. Of course, there is a delay in despatching the report. However, the fact remains that report has been received by the Commission. In the meanwhile, the Commission has issued summons for personal appearance of the Superintendent of Police to explain as to why he has not appeared before the Commission. However, the fact remains that, on his behalf, the Superintendent of Police has deputed the Additional Superintendent of Police to appear before the Commission. However, not satisfied with the same, the present warrant has been issued.



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6.It is relevant to note that the powers of the Commission to issue such warrant against the officers from whom investigation report is sought, in the view of this Court, cannot be exercised mechanically. Section 9 of the Tamil Nadu State Commission for the Scheduled Castes and Scheduled Tribes Act, 2021, makes it clear that the Commission, while discharging any of the functions under Section 8, have all the powers of a Civil Court trying a suit under the Code of Civil Procedure, 1908. Section 8 deals with inquiry, suo moto or on a petition presented to it by a victim or by any person on his behalf, into complaint of violation of any rights provided in the Protection of Civil Rights Act, 1955, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. The very object of the Act is to see that there is no violation of the rights guaranteed under the provisions of the Protection of Civil Rights Act, 1955, and the Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Only the complaints alleging such violations alone, can be entertained, but not all the complaints with regard to personal disputes between the parties.



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Further, after enquiry, only in those enquiries which come within the ambit of Section 8, powers under Section 9 can be exercised by the Commission.

Therefore, the Commission, in a routine manner, cannot issue warrant or summon against the officer from whom the enquiry report is sought for.

7. In the present case, the enquiry report as sought for by the Commission, has in fact, been furnished by the officer. However, warrant has been issued merely on the ground that the concerned officer has not appeared before the Commission. Issuance of such warrant for mere non-appearance, in the view of this Court, would indicate that the Commission was in fact of the view that it is superior to any other authority. When the enquiry report has already been received with regard to the complaint, the Commission ought to have taken the report on record and decided the complaint on its own merits. Instead, issuing warrant merely for non-appearance of the Superintendent of Police, particularly, when the Additional Superintendent of Police has in fact appeared before the Commission on his behalf, in the view of this Court, is nothing but exceeding beyond the jurisdiction of the Commission. Therefore, this Court is inclined to quash the warrant issued by the Commission.



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8. Accordingly, this writ petition is allowed and the impugned warrant issued as against one Mr.P.Saravanan, I.P.S., Superintendent of Police, Tirunelveli District, dated 07.12.2022, is quashed. No costs. Consequently, connected miscellaneous petitions are closed.

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Internet : Yes

Index : Yes / No

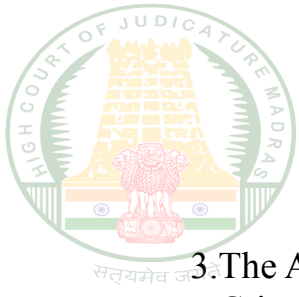
Speaking order : Yes / No

Neutral Citation : Yes / No

To

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N. SATHISH KUMAR, J.

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