

W.P Nos. 1327 of 2020 and 34139 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : **11-07-2025**

Delivered on : **11.08.2025**

CORAM

THE HONOURABLE MR JUSTICE M. SUNDAR

AND

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P Nos. 1327 of 2020 and 34139 of 2019

AND

WMP.No. 34751 of 2019 and 1587 of 2020

W.P.No. 1327 of 2020

Sathishkumar

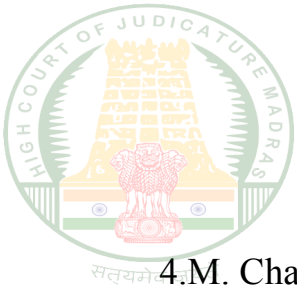
..Petitioner

Vs

1. Tamil Nadu State Human Rights Commission,
143, P.S.Kumarasamy Salai,
Greenways Road, Chennai-600028.

2.The Addl. Chief Secretary to the Government,
Home Department,
Fort St. George, Chennai-600009.

3.The Superintendent of Police,
Dharmapuri District, Dharmapuri.



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4.M. Chandran

Sub Inspector of Police,
Papparapatti Police Station
Pennagaram Taluk, Dharmapuri District.

5. D.Sivashanmugam

..Respondents

W.P.No. 34139 of 2019

M. Chandran

..Petitioner

Vs

1. Tamil Nadu State Human Rights Commission,
143, P.S.Kumarasamy Salai,
Greenways Road, Chennai-600028.

2.The Addl. Chief Secretary to the Government,
Home Department,
Fort St. George, Chennai-600009.

3.The Superintendent of Police,
Dharmapuri District, Dharmapuri.

4.Sathishkumar,
Inspector of Police,
Palacode Police Station,
Palacode Taluk, Dharmapuri District.

5. D.Sivashanmugam

..Respondents



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Common Prayer : Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of certiorari calling for the records relating to order dated 09.10.2019 passed in SHRC Case No. 10119 of 2011 on the file of the 1st respondent and the consequential memorandum issued by the 3rd respondent in RC No. 30458/G1/2019 dated 15.11.2019 and quash the same.

For Petitioner: Mr.N.Elumalai (W.P.No.34139 of 2019)

Mr.G.Balamanikandan (W.P.No. 1327 of 2020)

For Respondents: Mr.P.Chinnadurai

For Mr.S.Wilson, Standing Counsel -R1
(in both WPs)

Mr.K.Suresh, GA –R2 (in both WPs)

Mr.S.Sathish, GA(Crl.Side) -R3 (in both Wps)

Mr. N.Elumalai – R4 in W.P.No.1327 of 2020

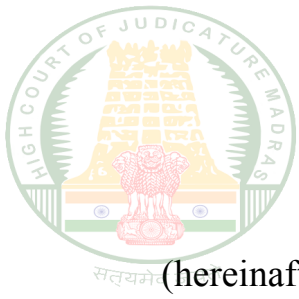
Mr.G.Balamanikandan – R4 in W.P.No. 34139
of 2019

Mr.D.Sivashanmugam -R5 (Party-in-person in
both WPs)

COMMON ORDER

HEMANT CHANDANGOUDAR, J.

The captioned two writ petitions have been filed challenging the order dated 09.10.2019 passed by the State Human Rights Commission, Tamil Nadu



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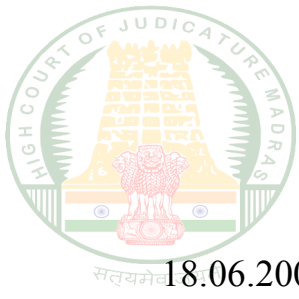
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(hereinafter referred to as “SHRC” for the sake of brevity, clarity, and convenience) in SHRC Case No. 10119 of 2011. By the said order, the 2nd respondent-Government was directed to pay a sum of Rs.40,000/- to the complainant as compensation, preserving the right to recover Rs.30,000/- from the petitioner in W.P. No. 1327 of 2020 and Rs.10,000/- from the petitioner in W.P. No. 34139 of 2019. The SHRC also recommended that the 2nd respondent initiate disciplinary action against the petitioners.

2. One writ petition has been filed by the 1st respondent before the SHRC, namely Mr. Sathishkumar, then Inspector of Police, and another writ petition has been filed by the 2nd respondent before the SHRC, namely Mr. Chandran, then Sub Inspector of Police. For convenience, the parties in the captioned writ petitions are referred to by their designations.

3. Factual background

3.1 The complainant filed a complaint dated 19.12.2011 before the SHRC stating that he is a practicing advocate in the Madras High Court and owns 5 acres of land in his native place. On 17.06.2008, a Kangaroo Court (Kattapanchayat) threatened the complainant and his family, and on

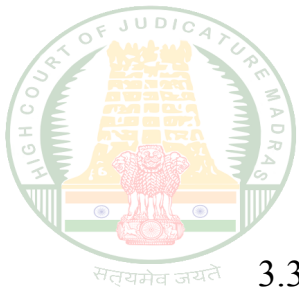


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18.06.2008, they tried to kill them. A complaint was filed in CSR No. 1451 of 2008. As the police did not take any action, the complainant approached this Court in Crl.OP No. 1451 of 2008, and this Court directed the police to file a charge sheet. However, the police did not file the charge sheet, and after the filing of a contempt petition, a final report was filed on 20.06.2018. Consequently, the complainant sought re-investigation in Crl.MP No. 3139 of 2010. However, the Kattapanchayat members led by Mr. Selvaraj continued to threaten the complainant and his family members, trespassed on his land, and damaged the trees, yet no action was taken by the police.

3.2 On 14.06.2011, Mr. Rajaendren, Mr. Ravi, and others attacked the complainant with police support, resulting in a fracture of the complainant's right-hand fingers. A crime was registered in Crime No. 278 of 2011 against the said persons for offences punishable under Sections 506(ii), 307, and 326 IPC. On 18.10.2011, Mr. Selvaraj, Inspector of Police/R1, along with 10 others, assaulted the complainant and made derogatory comments. On 19.10.2011, 25 persons led by Mr. Selvaraj assaulted the complainant and his parents with deadly weapons; the mob claimed that they acted under the instructions of Sathish Kumar, Inspector of Police.



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3.3 The 1st respondent before the SHRC/petitioner in W.P. No. 1327 of 2020 herein entered appearance and filed a counter-affidavit, and thereafter, the 2nd respondent was impleaded and arrayed as 2nd respondent before the SHRC. Both respondents filed counters denying all the allegations.

3.4. It was further stated that a complaint was filed by Rathinam against the complainant and his father alleging assault. The complaint was registered in Crime No. 543 of 2011. Similarly, another crime was registered in Crime No. 542 of 2011 on the complaint filed by Selvaraj. The inquiry revealed a dispute regarding a pathway in agricultural land between the complainant and Selvaraj. Further, Selvaraj had obtained anticipatory bail on the ground that the complainant's father was also injured in the incident and discharged from the hospital on 25.10.2011. Aggrieved, the complainant approached this Court in Crl.OP No. 403 of 2012 on the ground that the 1st respondent had helped Selvaraj obtain anticipatory bail by falsely representing to the Court that the victim had been discharged. However, the said complaint was not entertained by this Court, which preserved liberty for the complainant to file an appropriate petition.



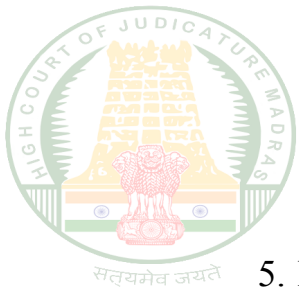
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3.5. The complainant adduced evidence as PW1, and the complainant's parents were examined as PW2 and PW3, producing 19 documents marked as Ex. P1 to P19.

3.6. The SHRC, after evaluating the oral and documentary evidence, recorded a finding that the petitioners violated the human rights of the complainant and passed the impugned order.

4. Learned counsels for the petitioners submitted that the then Inspector and then Sub Inspector had discharged their duties in accordance with law and had neither omitted their duties nor acted in excess of their powers. They argued that the complaint was filed against them in revenge since the then Inspector of Police had registered complaints in Crime Nos. 542 and 543 of 2011. Therefore, in the absence of substantial evidence to establish violation of human rights by the then Inspector and Sub Inspector of Police, the impugned order passed by the SHRC is not legally sustainable.



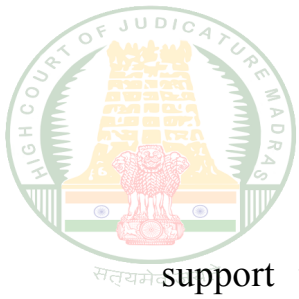
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5. Mr. P. Chinnadurai, learned counsel representing Mr. Wilson, learned Standing Counsel for the 1st respondent/SHRC, Mr. K.Suresh, learned Government Advocate for the 2nd respondent, Mr.S.Sathish, learned Government Advocate for the 3rd respondent and Mr. D. Shivashanmugam, representing the matter party in person, argued that the oral and documentary evidence establishes that the then Inspector and Sub Inspector of Police violated the human rights of the complainant, and in the absence of any perversity or illegality in the impugned order passed by the SHRC, the same does not warrant interference.

6. Arguments of all parties and materials placed on record have been duly considered.

7. The SHRC referred to Ex.P17, an order passed by the learned Sessions Judge. The learned Sessions Judge in Ex.P17 categorically stated that this Court is of the opinion that the then Inspector of Police made a false representation stating that the victims had already been discharged, thereby enabling Selvaraj to obtain anticipatory bail in Crime No. 544 of 2011. To

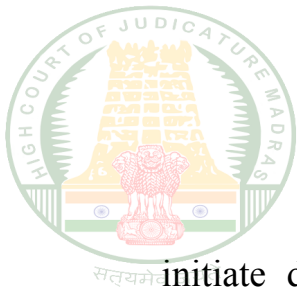


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support this finding, the SHRC referred to Ex.P18, a wound certificate certifying that the complainant and his mother were still undergoing treatment as of the date when the then Inspector of Police informed the Court that the victims had been discharged. Ex.P20, the General Diary, was also referred to by the SHRC, which revealed that the complainant's complaint dated 18.10.2011 was received at 16:30 hours on 19.10.2011. Had the complaint been registered immediately, the police could have possibly averted the incident on 19.10.2011. The SHRC further held that the respondents deliberately failed to act on the complaint dated 18.10.2011. The misrepresentation by the then Inspector of Police to the learned District Judge resulted in anticipatory bail being granted to the accused and delayed action on the complainant's complaint, denying the complainant access to the criminal justice system. Therefore, the SHRC's finding, in the absence of perversity or illegality, cannot be faulted and does not warrant interference.

8. Regarding the SHRC's recommendation to initiate disciplinary action, there is no previous record of violation of human rights by the then Inspector and Sub Inspector of Police in the discharge of their duties. Therefore, in the absence of any prior history of human rights violations, the recommendation to



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initiate disciplinary proceedings against the petitioners is unwarranted and unjustified. To this extent, the impugned order requires interference.

9. Accordingly, both writ petitions are allowed in part with the following directions:

i. Clause (a) of the impugned order directing the 2nd respondent to pay compensation of Rs.40,000/- to the complainant, and Clause (b), which provides for recovery of the said compensation amount from the petitioners herein, are confirmed.

ii. Clause (c) of the impugned order recommending the 2nd respondent to initiate disciplinary action against the writ petitioners/respondents 1 and 2 before the SHRC, i.e., the then Inspector of Police and the then Sub Inspector of Police, is set aside.

iii. Consequently, connected Miscellaneous Petitions are closed.

There shall be no order as to costs.

[M.S.,J.] [H.C., J]

11.08.2025

Index : Yes

Internet : Yes

Neutral Citation : Yes

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M. SUNDAR, J.

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HEMANT CHANDANGOUDAR, J.

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Pre-Delivery order in

W.P Nos. 1327 of 2020 and 34139 of 2019

AND

WMP.No. 34751 of 2019 and 1587 of 2020

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