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W.P.(MD)NO.19983 OF 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.04.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R.POORNIMA

W.P.(MD)No.19983 of 2018

and

W.M.P.(MD)No.17778 of 2018

A.Senthamarai Kannan

... Petitioner

Vs.

1. The State Human Rights Commission,
Rep. By its Registrar,
Thiruvarangam,
No.143, P.S.Kumarasamy Raja Salai,
Greenways Road,
Chennai.

2. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai.

3. Narmatha,
Then Sub Inspector of Police,
Ilayangudi police station,
Sivagangai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records pertaining to the impugned order passed by the first



respondent in SHRC Case No.5856 of 2010 dated 04.09.2018, quash the same.

For Petitioner : Mr.B.Saravanan,
Senior Counsel,
for Mr.RM.Arun Swaminathan.

For Respondents : Mr.O.R.Gokul Abimanyu,
for M/s.C.Arul Vadivel Associates
for R-1.

Mr.T.Amjad Khan,
Government Advocate for R-2.
No appearance for R-3.

* * *

ORDER

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard the learned Senior counsel appearing for the writ petitioner and the learned Government Advocate appearing for the second respondent and the learned counsel appearing for the first respondent.

2. The name of the third respondent who was the complainant before the State Human Rights Commission is printed in the cause list. However, she has not chosen to enter appearance to oppose the writ prayer.



3. The writ petitioner was working as head constable in SBCID Department in Sivagangai District during the year 2009. In the year 2009, the third respondent was working as Sub Inspector of Police in Ilayangudi police station. The third respondent filed complaint before the State Human Rights Commission alleging that her human rights were violated by the second respondent named in the complaint. While the writ petitioner was shown as the first respondent, Thiru.Rajasekaran was shown as the second respondent. The State Human Rights Commission found merit in the complaint and vide order dated 04.09.2018, the State Human Rights Commission passed the following directions:-

“82. In the result, this Commission recommends as follows:-

(i) The Government of Tamil Nadu shall pay a compensation of Rs.5,00,000/-(Rupees Five Lakhs only) to the complainant Tmt.K.Narmadha, then Sub Inspector of Police, Ilayangudi police station, Sivagangai District within one month from the date of receipt of a copy of this Recommendation and the Government of Tamil Nadu may recover Rs. 3,00,000/- from the first respondent and



Rs.2,00,000/- from the second respondent.

(ii) This Commission also recommends to remove the first respondent from service.

(iii) This Commission also recommends to initiate disciplinary action against the second respondent as per the Rules.

(iv) This Commission also recommends to consider for the promotion of the complainant Tmt.Narmadha, then Ilayangudi PS, Sivagangai District.

(v) This Commission further recommends to give suitable direction to the DGP, Chennai to take action as and when the higher officials received complaint from the police personnel particularly from women police.”

4. Questioning the same, Thiru.Rajasekaran filed W.P.(MD) No.21234 of 2018 and the same was closed as abated. He had passed away during the pendency of these proceedings. His legal heirs have not come forward to prosecute the matter. The learned Senior counsel pointed out that for the very same act which is the subject matter of the impugned complaint, the petitioner was



departmentally dealt with. Vide order dated 08.01.2015 passed by the Deputy Inspector General of Police, Ramanathapuram Range, the petitioner was visited with the punishment of stoppage of increment for a period of two years without cumulative effect. The departmental appeal filed by him was also dismissed. As the petitioner was already departmentally dealt with and the matter attained finality, the question of initiating one more disciplinary action on the basis of the recommendations issued by the State Human Rights Commission does not arise at all. The principle that one cannot be vexed twice on the same cause of action will apply. Therefore, the impugned order is set aside in *toto*.

5. The petitioner has been directed to pay a sum of Rs.3,00,000/- as compensation. The cause of action had arisen way back in the year 2009. More than 17 years have passed by. The Superintendent of Police had also passed away. The complainant had retired from service. In fact, she has not even chosen to enter appearance before this Court to oppose the writ prayer. Taking into account all these aspects and the fact that the petitioner was also departmentally dealt with, we deem it fit and appropriate to reduce



the compensation awarded from Rs.3,00,000/- to Rs.1,00,000/-. The petitioner undertakes to remit the said amount to the credit of Registrar(Judicial), Madurai Bench of Madras High Court, Madurai within a period of four weeks from the date of receipt of a copy of this order. The Registrar (Judicial) is requested to deposit the said amount in an interest bearing account. It is open to the third respondent herein to withdraw the said amount. A copy of this order shall be marked to the third respondent. This writ petition stands partly allowed. No costs. Consequently, connected miscellaneous petition is closed.

(G.R.SWAMINATHAN, J.) & (R.POORNIMA, J.)
21st April 2026

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
PMU

**To:**

The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai.

Copy to:

1. The Registrar(Judicial),
Madurai Bench of Madras High Court, Madurai.
2. Narmatha,
Then Sub Inspector of Police,
Ilayangudi police station,
Sivagangai District.



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