

GOVERNMENT OF TAMIL NADU
REVENUE DEPARTMENT

From

Thiru.P.Kumaravel Pandian, I.A.S.,
District Collector,
Vellore District,
Vellore - 9.

To

All District Officers,
Vellore District.

C3/157/2022, Dated. 24.01.2022.

Sir/Madam,

Sub : State Human Rights Commission - Tamil Nadu -
SHRC Case No.7739/2020/C2 - Recommendation -
Instructions issued - Regarding.

Ref : 1) Letter No.42783/LD6(2)/2021-1,
Dated.23.12.2021 from the Principal Secretary
to Government, Revenue and Disaster
Management Department, Land Disposal Wing ,
LD6(2) Section, Secretariat, Chennai-9

2) Order issued by State Human Rights
Commission in Case No.7739 of 2020,
Dated.19.11.2021.

As per the Order of State Human Rights Commission vide in
reference 2nd cited, the Principal Secretary to Government, Revenue and
Disaster Management Department, Land Disposal Wing , LD6(2) Section
vide in reference 1st cited has issued direction for disposal of SHRC
application received from the public. The Government letter and
instructions are appended herewith for information.

Yours faithfully,
Sd/-P.Vijayaragavan,
for Collector,
Vellore.

/By Order/


Huzur Sarishtadar (Magisterial)

Encl: As above.

Copy submitted to the Principal Secretary to Government, Revenue and
Disaster Management Department, Land Disposal Wing , LD6(2) Section,
Secretariat, Chennai-600 009 for kind information.

Copy to C3 Stock file


27.1.2022



Revenue and Disaster
Management Department,
Land Disposal Wing, LD6(2) Section,
Secretariat, Chennai-600 009

Letter No.42783/LD6(2)/2021-1, Dated 23.12.2021

From
Thiru. Kumar Jayant, I.A.S.,
Principal Secretary to Government.

To
All District Collectors. (w.e.)

Sir/Madam,

Sub: State Human Rights Commission – Tamil Nadu – SHRC Case
No.7739/2020/C2 – Recommendation - Instructions issued -
Regarding.

Ref: From Thiru.G.Karunanithi, Registrar/ District Judge, State Human
Rights Commission Tamil Nadu, D.O.Letter No.7739/2020/C2
dated 22.11.2021.

I am directed to invite your attention to the State Human Rights Commission order cited (copy enclosed) wherein the State Human Rights Commission has recommended among others that the Government to issue necessary instructions to all the District Collectors that the applications received in respect of any grievance from the public should be disposed off within a stipulated period of 30 days time and proper intimation should be sent to the applicants in this regard.

2. In this connection, I am directed to request you to dispose the applications received from public in respect of any grievance should be disposed off within a stipulated period of 30 days time and proper intimation should be sent to the applicants in this regard.

3. I am further to request you to issue necessary instruction in this regard to the Sub-ordinate Officers.

Yours faithfully,

M. Gopinathan
24.12.21
for Principal Secretary to Government.

G. J.
24.11.21.

Copy to
The Registrar/ District Judge,
The State Human Rights Commission Tamil Nadu,
(SHRC Case No.7739/2020/C2),
143, P.S.Kumarasamy Raja Salai,
(Greenways Road), Chennai – 600 028.

HS (mg)
ABM
21/12/2021



STATE HUMAN RIGHTS COMMISSION - TAMIL NADU
143- P.S. Kumarasamy Raja Salai,
Greenways Road, Chennai - 28

Friday, the 19th day of November, 2020

PRESENT
HON'BLE THIRU D.JAYACHANDRAN, B.A., B.L.,
MEMBER

S.H.R.C. No.7739 of 2020

Thiru.P.Subramaniam
s/o Palanisamy
Goundampalayam
J.J. Nagar
Vaniputhur
Gopichettipalayam Taluk
Erode District

... Complainant

-vs-

1. The Block Development Officer
Thookkanayakkanpalayam Block
Erode District

2. The Thasildar
Gopichettipalayam Taluk
Erode District

... Respondents

ORDER

The complaint allegations in brief:-

1. The complainant is residing in the above address. He has constructed a compound wall in his house in 4th Street, J.J. Nagar, Goundanpalayam, Gopichettipalayam Taluk, Erode District. But some persons residing in the said 4th Street demolished the said wall and constructed a fencing wire in front of his house and he could not be

able to enter into the house. Though he tried to walk on the Panchayat Thar Road, they threatened him not to walk in that road. So he lodged a complaint to the Tahsildar, Gobichettipalayam and other officials in the year of 2019 to remove the encroachment but no action was taken. Therefore, he was mentally and physically harassed and tortured by the respondents and the failed to remove the encroachment, which amounts to violation of human rights of the complainant. Therefore, the complainant filed this complaint to take suitable action against the respondents.

Counter statement filed by the respondents

2. The respondents denied the allegations of the complainant. It is submitted that on 21.07.2021 in the presence of the Revenue Divisional Officer, Gobichettipalayam, both the respondents and the Inspector of Police, Bungalowputhur were jointly visited the complainant's house and completely removed the encroachment and the fencing on the Thar Road. It is also submitted that the Thasildar, Gobichettipalayam Taluk submitted a detailed report along with the Village records and photos to the Revenue Divisional Officer, Gobichettipalayam. The respondents further stated that though steps were taken in the month of February, 2021, the same could not be immediately attended to as the State machinery was busy fighting the second wave of COVID19 pandemic.

Therefore, as it is completely by sorting out all the issues, the complaint against the respondents is liable to be dismissed.

3. The following are the points that arise for consideration in this case:-

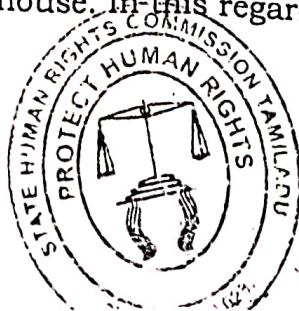
(i) Whether the respondents had violated any of the human rights of the complainant; and

(ii) What reliefs the complainant is entitled to?

Point No.(i):

4. This complaint is filed by the complainant that the Panchayat Thar Road in front of his house has been encroached and some persons residing in the 4th Street, demolished the wall and constructed a fencing wire in front of his house and he could not be able to enter into the house and though he tried to walk on the Panchayat Thar Road, they threatened him not to walk in that road. In this regard, even though the complainant sent a complaint to the respondents and other higher officials, no proper action was taken on his complaint and therefore, the respondents violated the human rights of the complainant.

5. The main case of the complainant is that his wall in 4th Street, J.J. Nagar, Goundanpalayam, Gopichettipalayam Taluk, Erode District was demolished by some persons and threatened him not to walk in Thar road in front of his house. In this regard, he lodged a complaint to



the Tahsildar, Gopichettipalayam and other officials in the year of 2019 to remove the encroachment but no action was taken. Therefore, he was mentally and physically harassed and tortured by the respondents and the action on the part of the respondents amounting to violation of human rights of the complainant. Therefore, the complainant filed this complaint to take suitable action against the respondents.

6. Per contra, the respondents denied the allegations of the complainant. According to the respondents, on 21.07.2021 in the presence of the Revenue Divisional Officer, Gobichettipalayam, both the respondents and the Inspector of Police, Bungalowputhur were jointly visited the complainant's house and completely removed the encroachment and the fencing on the Thar Road.

7. It is further case of the respondents that they had taken sufficient steps to remove the encroachment in the month of February, 2021 but the same could not be immediately attended to as the State machinery was busy fighting the second wave of COVID19 pandemic. Therefore, as it is completely by sorting out all the issues, the complaint against the respondents is liable to be dismissed.

8. After receipt of the complaint, this Commission has called for a report from the (1) District Collector, Erode District and (2)



Superintendent of Police, Erode District and accordingly both the authorities sent their report to this Commission.

9. The report of the District Collector, Erode District dated 11.03.2021 reveals that in SF No.91/1B (Extent 10 cents) belongs to the complainant Subramaniam and he built a house. The northern part of his house is confronted by a concrete road laid by Panchayat. The southern and western parts of his house are laid Thar road by the concerned Panchayat. It has been found that 3 years back one Senthil and few others nearby residents fenced the northern part of his house.

10. The report further reveals that in field inspection, SF No.91/1B in Kavundampalayam Village belongs to the complainant and 64 others. There is no sub division and patta transfer has been carried out so far. It is possible to find out encroachment, only after surveying the field in SF No.91/1B in Kavundamaplayam Village. Now as the Assembly Election 2021 model code of conduct is force from 26.03.2021, after withdrawal of the same, if any encroachment find in that place, it will be evicted by following due process of law.

11. The complainant and the respondents were present and the respondents filed their counter statements. No oral evidence on both



sides. Therefore, it is the duty of this Commission to decide the case on merits.

12. According to the complainant he filed a petition before the Revenue Authorities regarding with the issue of encroachment in public path in Kavundampalayam Village, Gobichettipalayam Taluk on 15.07.2019. The copy of the said representation is marked as Ex.P1. The Revenue Divisional Officer, Gobichettipalayam also called for a report from the Tahsildar, Gobichettipalayam Taluk by his letter dated 01.10.2019 and the copy of the same addressed to the wife of the complainant is marked as Ex.P2. The photographs showing the alleged wall is also filed by the complainant, which is marked as Ex.P3.

13. The complainant also argued that though he sent a complaint to the District Collector, Erode District on 15.07.2019 to remove the encroachment and the Revenue Divisional Officer, Gobichettipalayam on the basis of the complaint directed the Tahsildar, Gobichettiapalayam Taluk by his letter dated 01.10.2019 to report the same before him, the 2nd respondent/Tahsildar, Gobichettipalayam Taluk had not taken any action to remove the same and caused mental torture and harassment to him on this aspect.



14. It is also seen from the records that on 24.09.2019 the wife of the complainant Tmt.Thangamani also sent a letter to the Tahsildar, Gobichettiapalaym Taluk to remove the encroachment but they failed to do so. The copy of the said letter is marked as Ex.P4.

15. It is a duty of the Revenue officials or any public authority to comply the complaint lodged by any citizen within the stipulated time framed by the Government. However, the case on hand is concerned, though the complainant has sent a complaint to remove the encroachment to the District Collector, Erode District on 15.07.2019, the said encroachment was removed only on 21.07.2021 that too only the intervention of this Commission. The said 2 years of period much hardship caused to the complainant and his family members.

16. Once the public authority came to know about the violation of human rights of the citizen, it is the duty of the said Officer to comply the same. But the public authorities are negligent in preventing the violation of human rights of the complainant. The right to life, dignity and liberty given under the Protection of Human Rights Act and also as per Article 21 of the Constitution of India, the complainant is entitled to freely move to any place. But the same was restricted by the neighbouring residents and caused mental torture and harassment to the complainant because of the inaction by the respondents.



17. It is seen from the materials on record that only after the intervention of this Commission taken cognizance of the matter, the respondents took up the issue and complied the request of the complainant after the lapse of 2 years.

18. It is also important to note that nowadays many number of litigants approaching the Hon'ble High Court and to this Commission stating that even though they lodged written representations before the concerned public authorities, they failed to entertain and comply the same in accordance with law or within stipulated time.

19. Considering the records available on hand and also the report submitted by the District Collector, Erode District and also the Superintendent of Police, Erode District, it is categorically established from the records that the complainant gave complaint to the District Collector, Erode District on 15.07.2019 along with the evidence such as photos, even the wife of the complainant Tmt.Thangamani also gave representation to the 2nd respondent, the failed to remove the encroachment within the stipulated time, which caused the mental and physical agony to the complainant and thereby the respondents had



violated the human rights of the complainant. This point is answered accordingly.

Point No.II:

20. While answering the Point No.1 this Commission has held that the Respondents had violated the human rights of the Complainant. It is now a well accepted proposition in most of the jurisdiction, that monetary or pecuniary compensation is an appropriate and indeed an effective and sometimes perhaps the only suitable remedy for redressal of the established infringement of the fundamental right to life of a citizen by the public servants. Hence this Commission is of the considered view and also taking the circumstances of the case, on behalf of the Respondents the Government of Tamil Nadu is vicariously liable to pay compensation of Rs.25,000/- (Rupees Twenty Five Thousand only) to the complainant and he is entitled to receive the said compensation amount for the violation of human rights committed by the Respondents. This point is answered accordingly.

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

RECOMMENDATION

- (i) The Government of Tamilnadu shall pay a compensation of Rs.25,000/- (Rupees Twenty Five Thousand only) to the



complainant within four weeks from the date of receipt of this order; and

- (ii) The Government of Tamilnadu should to issue necessary instructions to all the District Collectors that the applications received in respect of any grievance from the public should be disposed off within a stipulated period of 30 days time and proper intimation should be sent to the applicants in this regard.

Sd/
MEMBER

To

The Principal Secretary to Government,
Revenue and Disaster Management Department,
Secretariat, Chennai – 600 009.

The Principal Secretary to Government,
Rural Development and Panchayat Raj Department
Secretariat, Chennai – 600 009.

Copy to:

Thiru.P.Subramaniam
s/o Palanisamy
Goundampalayam, J.J. Nagar
Vaniputhur, Gopichettipalayam Taluk
Erode District

//BY ORDER//

V. Banerjee
22/11/21
Assistant Registrar i/c

Sskr/19/11/2021

