



W.P(MD)No.24266 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.02.2026

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HONOURABLE MRS.JUSTICE R.KALAIMATHI

W.P(MD)No.24266 of 2016

and

W.M.P(MD)No.17528 of 2016

Ghouse Rabbani

... Petitioner

Vs.

1.The State Human Rights Commission,
Tamil Nadu,
Thiruvaramam,
No.143, P.S.Kumarasamy Raja Salai,
(Greenways Road),
Chennai – 600 028.

2.A.Sellam,
Sub Inspector of Police,
Mathichiyam Police Station,
Madurai.

3.M.Jayalakshmi,
Sub Inspector of Police,
Mathichiyam Police Station,
Madurai.

... Respondents /
Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st Respondent's impugned order in S.H.R.C.No. 8597/2010/HM1 dated 13.04.2016 and quash the same and consequently directing the Respondents 2 and 3 to pay the compensation of Rs. 2,18,000/- to the Petitioner for human rights violation and consider any relief in granting compensation fit for the petitioner.

For Petitioner : Mr.S.Lingarasu

For Respondents : Mr.S.Rajasekar
Standing Counsel for R.1

JUDGMENT

(Judgment of the Court was made by G.R.Swaminathan J.)

Heard the learned counsel appearing for the writ petitioner and the learned Standing Counsel appearing for the State Human Rights Commission. The private respondents have been served, but they have not chosen to enter appearance through counsel.

2.The writ petitioner was riding his two wheeler on 06.10.2010 at about 06.30 p.m near Anna bus stand, Madurai. A.Sellam (second respondent herein), Sub Inspector of Police, Mathichiyam Police Station stopped the writ petitioner's vehicle and called upon him to produce the vehicle documents. According to the petitioner, without any legal



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justification, the second respondent herein demanded Rs.1000/- from him and ultimately levied a fine of Rs.500/- and also collected the said amount from him. Alleging that this conduct of the second respondent amounted to breach of the petitioner's human rights, complaint was filed before the State Human Rights Commission, Tamil Nadu. The complaint was taken on file in SHRC.No.8597 of 2010. Vide order dated 13.04.2016, the Commission disposed of the complaint in the following terms:

“13.In the result, this Commission doth recommend as follows:-

The Commissioner of Police, Madurai City, shall refund a sum of Rs.500/- collected by the 1st Respondent Thiru Selvam, the then Sub-Inspector of Police, E2 Mathichiyam (L&O) Police Station, Madurai City, without any legal sanction purportedly U/s 183(1) of the Motor Vehicle Act, 1988, from the Complainant vide charge memo / receipt No.5201556, dated 06.10.2010 to the Complainant Thiru.M.Gouse Rubbani, S/o.Mubarak, No.12C, Rukmanipalayam 2nd Street, Munichalai, Madurai, within four weeks from the date of receipt of a copy of this recommendation.”

The complainant felt aggrieved that the private respondents were let off.

Hence, this writ petition has been filed.



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3.The learned counsel appearing for the petitioner reiterated all the contentions set out in the affidavit filed in support of the writ petition and called upon this Court to comment upon the conduct of the private respondents. He also insisted that they should be made to pay at least token compensation.

4.The Commission had rightly rendered a finding that the levy of fine amount without mentioning the penal provision was incorrect on the part of the Sub Inspector of Police. Therefore, it ordered the refund of Rs.500/- paid by the petitioner herein. However, the Commission did not find any violation of the petitioner's human rights.

5.Vide order dated 06.02.2026 made in W.P(MD)No.5028 of 2022, we had held as follows:

“4.The only question that calls for consideration is whether the aforesaid lapse attributed to the State Police can be said to constitute a human rights violation. Section 2(d) of the Protection of Human Rights Act, 1993 defines “Human Rights” as follows:

“2(d) “Human Rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the



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International Covenants and enforceable by courts in India”

The definition can be parsed as follows :

(a) The rights must relate to life, liberty, equality and dignity of the individual

(b) They must be guaranteed by the Constitution, or embodied in the International Covenants

(c) They must be enforceable by courts in India.

Section 2(f) defines “International Covenants” as follows :

“International Covenants” means the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights adopted by the General Assembly of the United Nations on the 16th December, 1966 and such other Covenant or Convention adopted by the General Assembly of the United Nations as the Central Government may, by notification, specify;”

Rights are interests which are recognised and protected by law. It means that which a man is entitled to have or to do, or to receive from others within the limits prescribed by law. There are several kinds of rights. They may have their origin in different branches of law. There are contractual rights, labour rights, tortious rights, civil rights etc., Not all rights of humans qualify as human rights. The expression “human right” has a technical connotation. It must fall within the broad



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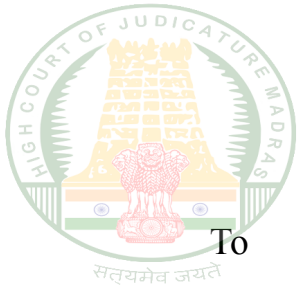
sweep of the definition set out in Section 2(d) of the Protection of Human Rights Act, 1993. As already noted, the rights should not only pertain to one of the categories set out in the provision but also be either guaranteed by the Constitution or embodied in the International Covenants and enforceable by Indian courts. Unless the right in question can be termed as a human right, its violation cannot be taken cognizance by the Human Rights Commission.”

6.Stopping the petitioner's two wheeler for a routine vehicle check and the ensuing transaction cannot be construed as a violation of one's human rights. The approach of the Commission was fully justified and interference with the said order is not called for.

7.This Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[G.R.S., J.] [R.K.M, J.]
18.02.2026

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
MGA



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To

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