

**Reserved On : 14/10/2025
Pronounced On : 15/01/2026**

**IN THE HIGH COURT OF GUJARAT AT AHMEDABAD
R/SPECIAL CIVIL APPLICATION NO. 8914 of 2025**

FOR APPROVAL AND SIGNATURE:

HONOURABLE MR. JUSTICE NIRAL R. MEHTA

Approved for Reporting	Yes	No
	✓	

MAHENDRA SHANABHAI PATEL & ORS.
Versus
THE DISTRICT MAGISTRATE & ORS.

Appearance:
MR TATTVAM K PATEL(5455) for the Petitioner(s) No. 1,2,3
MR KANVA ANTANI AGP for the Respondent(s) No. 1,2
MR GH VIRK GOVERNMENT PLEADER WITH MS DHARITRI PANCHOLI
AGP for the Respondent No.3
MR R P PATEL(9621) for the Respondent(s) No. 4
NOTICE SERVED BY DS for the Respondent(s) No. 3

CORAM:HONOURABLE MR. JUSTICE NIRAL R. MEHTA

CAV JUDGMENT

[1] By filing the present petition under Articles 226 and 227 of the Constitution of India, the petitioners have challenged the legality and validity of the proceedings bearing Case No. HRC/2024/GND/83/LEGAL03 initiated by respondent No.3 before



the Gujarat State Human Rights Commission.

[1.1] At the outset, it is required to be observed that the present case is a clear instance where the State Human Rights Commission has exercised powers and assumed jurisdiction which are not conferred upon it under law.

[2] The brief facts leading to the present case are as under:

[2.1] The lands bearing Survey No.42/2 admeasuring 3035 sq. mtrs., Survey No.42/3 admeasuring 2934 sq. mtrs., Survey No.71/1+2-B admeasuring 7689 sq. mtrs., Survey No.222/1 admeasuring 1416 sq. mtrs., Revenue Block/Survey No.335/1 admeasuring 2934 sq. mtrs., Revenue Survey No.71/1+2A admeasuring 7284 sq. mtrs., Survey No.51/2 admeasuring 3237 sq. mtrs., Survey No.338/1 admeasuring 3237 sq. mtrs., Khata No.234 with Revenue Block/Survey No.334/4-A admeasuring 1922 sq. mtrs., and Revenue Block/Survey No.334/4-B admeasuring 4249 sq. mtrs., situated at village Zundal, District Gandhinagar, were originally owned by Jethabhai Lallubhai Patel. Upon his death without heirs, the said lands devolved upon Naranbhai Lallubhai



Patel. Accordingly, Revenue Entry Nos. 6750 and 6681 were made, mutuating the names of the heirs of Naranbhai Lallubhai Patel.

[2.2] Thereafter, Maniben Naranbhai expired on 29th December 2014, and her name was deleted from the revenue records vide Revenue Entry No.7568 dated 27th August 2014.

[2.3] Subsequently, pursuant to the order dated 28th May 2019 passed by the Mamlatdar, Gandhinagar, the name of Shardaben Naranbhai was entered in the revenue records vide Revenue Entry No.9236 dated 11th June 2019.

[2.4] Thereafter, Shardaben, daughter of Naranbhai, relinquished her one-fourth share and interest in the lands in question in favour of the petitioners and others by a registered release deed. The said transaction was recorded in the revenue records vide Revenue Entry No.9237 dated 13th June 2019 and Revenue Entry No.9298 dated 19th July 2019 in respect of Survey No.334/3-A.

[2.5] Thereafter, Manubhai Lalbhai expired on 8th October

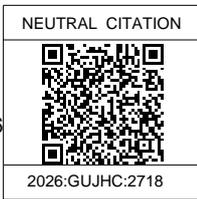


2023. Consequently, the name of his heir, namely Ramilaben Manubhai Patel, was mutated in the revenue records vide Revenue Entry No.11295 dated 7th May 2024 for Survey Nos.42/2 and 42/3 and Revenue Entry No.11296.

[2.6] Subsequently, Lalitaben Lalabhai and Vimalaben Lalbhai executed a relinquishment deed in favour of Vikrambhai Lalbhai in respect of their undivided share, pursuant to which Revenue Entry Nos.11407, 11408, and 11409 were mutated in the revenue records.

[2.7] Insofar as Survey No.334/4-A is concerned, the same was transferred by the petitioners and others in favour of Swaman Developers by a registered sale deed dated 31st December 2018, and Revenue Entry No.9085 dated 24th January 2019 was accordingly mutated. Similarly, Survey No.334/4-B was transferred in favour of Aditya Realty by a registered sale deed dated 11th September 2018, and Revenue Entry No.8942 dated 18th September 2018 was entered in the revenue records.

[2.8] Thereafter, respondent No.4 filed Regular Civil Suit



No.149 of 2025 against the petitioners seeking cancellation of the relinquishment deed bearing No.16758 dated 15th December 2015 executed by her, along with a prayer for declaration. The said suit is pending adjudication before the competent Civil Court.

[2.9] It appears that during the pendency of the aforesaid civil suit, respondent No.3–Commission took cognizance of a complaint filed by respondent No.4, alleging violation of her human rights. Pursuant thereto, the Commission issued notices dated 9 May 2025 and 12 June 2025, calling upon the petitioners to remain present before it. It is pertinent to note that in the notice dated 12 June 2025, the Commission specifically directed the learned advocate and the parties to take necessary steps to give a share to respondent No.4 as per prevailing custom through mediation and to resolve the dispute. As stated hereinabove, the dispute regarding the alleged share of respondent No.4 was already pending before the competent Civil Court at her own instance in Regular Civil Suit No.149 of 2025. It further appears that at the time of taking cognizance, the complainant had not disclosed the pendency of the civil proceedings. Nevertheless, the complaint



before the Commission was essentially based on the claim of respondent No.4 for a share in the property, alleging violation of her human rights for not being given such share.

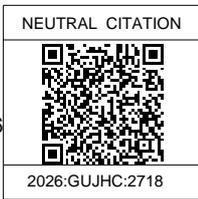
[3] This Court heard the present petition on couple of occasions prior to 11th July 2025. On 11th July 2025, learned counsel for the petitioners submitted that after issuance of notice by the Human Rights Commission, the parties had arrived at a settlement and that the matter was listed before the Commission, which was likely to be withdrawn by the complainant. However, considering the provisions of the Protection of Human Rights Act, 1993 (hereinafter referred to as “the Act”), and the facts of the present case, this Court deemed it appropriate to call upon the learned advocates appearing for the respective parties to address the Court on merits, particularly with regard to the jurisdiction of the Human Rights Commission and the scope of powers exercised by it under the Act. This exercise has been undertaken as this Court has noticed, in more than one matter, that the Human Rights Commission has exceeded the jurisdiction vested in it under the Act.



[4] Learned advocate Mr. Tattvam Patel for the petitioners has made elaborate submissions. Learned A.G.P. Mr. Kanva Antani appeared for the respondents Nos.1 and 2; learned Government Pleader Mr. G. H. Virk assisted by learned A.G.P. Ms. Dharitri Pancholi appeared for the respondent No.3. Learned advocate Mr. R. P. Patel, though appeared on behalf of the respondent No.4, remained absent before this Court all throughout the proceedings.

[5] Learned advocate Mr. Tattvam Patel for the petitioners, while assailing the proceedings, has made the following submissions:

[5.1] It is submitted that the proceedings initiated by respondent No.3 and the cognizance taken by it are wholly beyond the scope of the powers vested in the Human Rights Commission. The dispute between the parties is purely a private dispute relating to share in immovable property. Learned advocate Mr. Patel contended that such a dispute does not fall within the ambit of the Protection of Human Rights Act, 1993. It is submitted that the

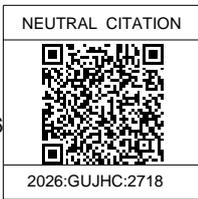


parties ought not to have approached the Human Rights Commission for resolution of a property dispute when an efficacious remedy before the competent Civil Court is available, particularly when Regular Civil Suit No.149 of 2025, filed by respondent No.4 herself, is already pending adjudication.

[5.2] It is further submitted that since the dispute is purely a private property dispute, the Human Rights Commission ought not to have issued notices for settlement of the same. The action of issuing notices, calling upon the parties to remain present, and directing them to resolve the dispute is wholly without jurisdiction and beyond the powers conferred upon the Commission under Section 12 of the Act. Such intervention not only exceeds the scope of Section 12, but also amounts to usurpation of the jurisdiction of the Civil Court, which is impermissible in law. It is submitted that the Human Rights Commission is constituted for the purpose of addressing violations of human rights and for their protection, and it cannot enlarge its jurisdiction by treating a private property dispute between individuals as a human rights issue.

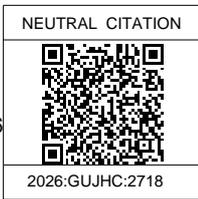


[5.3] By referring to the notices dated 9th May 2025 and 12th June 2025, it is submitted that the said notices were addressed not only to the petitioners but also to the District Magistrate and Collector, Gandhinagar, and the Mamlatdar, Gandhinagar. It is contended that the manner in which the notices were issued indicates an attempt to exert pressure upon the petitioners to settle a purely private dispute. Issuance of notices to senior revenue officers in a private property dispute, according to the petitioners, was intended to indirectly coerce them into a compromise. It is submitted that under such pressure, statements were extracted from the petitioners expressing willingness to settle the dispute as per prevailing social customs. According to Mr. Patel, the Commission thereby misused its authority by expanding its jurisdiction to facilitate settlement of a private property dispute between individuals. It is submitted that the Commission effectively converted a civil property dispute into an alleged human rights violation in order to secure a settlement. Hence, the proceedings initiated by issuance of notices and directions to resolve the dispute



amount to a colourable exercise of power for extraneous reasons and deserve to be quashed.

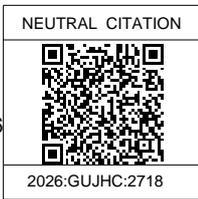
[5.4] It is further submitted that respondent No.4, Smt. Shardaben Narayanbhai Patel, had already invoked the jurisdiction of the Civil Court by filing Regular Civil Suit No.149 of 2025 on 9 April 2025. When the dispute is already pending before the Civil Court, the Human Rights Commission ought not to have interfered under the guise of alleged human rights violations. Such action, it is contended, renders the civil proceedings ineffective. It is further submitted that the Commission ought not to have issued summons and bailable or non-bailable warrants against the petitioners when they were already contesting the matter before the Civil Court. It is alleged that due to coercive and pressurised methods adopted by the Commission, the petitioners were compelled to settle the dispute on the terms dictated by respondent No.4. In this manner, respondent No.4 attempted to secure relief without pursuing the civil suit, by adopting an indirect route through the Human Rights Commission. It is therefore submitted that when the Civil Court is seized of the matter, the Commission ought to have respected the



judicial process and refrained from initiating parallel proceedings.

[5.5] Without prejudice to the above submissions, it is further contended that respondent No.4 had relinquished her rights by executing the deed in the year 2015, whereas the Human Rights Commission took cognizance of the complaint only in the year 2025, after a lapse of about ten years. It is submitted that under Section 36 of the Act, the jurisdiction of the Human Rights Commission is confined to complaints made within one year of the alleged violation of human rights. It is further submitted that without conducting any preliminary inquiry, the Commission, in undue haste, issued summons and bailable as well as non-bailable warrants against the petitioners, which is in clear violation of Section 36(2) of the Act. Accordingly, the proceedings before the Commission are stated to be without jurisdiction and an abuse of the process of law.

[6] On the basis of the aforesaid submissions, learned advocate Mr. Patel for the petitioners has prayed that the present petition be allowed and that the impugned notices and the entire



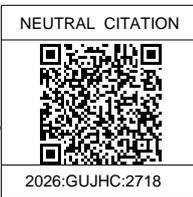
proceedings initiated by respondent No.3 – Human Rights Commission be quashed and set aside in the interest of justice.

[7] On the other hand, learned Government Pleader Mr. G. H. Virk, appearing for respondent No.3, initially sought to justify the impugned proceedings by referring to various statutory provisions. Alternatively, he also placed certain submissions and suggestions regarding the scope and limits of jurisdiction exercisable by the Human Rights Commission, so as to assist this Court in adjudicating the issue:

“1. The Commission should confine its role to genuine and specific violations of human rights; and not matters that are civil, contractual, service-related, or administrative in nature.

2. Matters already pending before courts or tribunals should not be taken up simultaneously, unless a separate and direct human rights aspect is demonstrably involved.

3. Suo motu cognizance based on media reports, anonymous complaints, or social media posts should be exercised with great caution. No action should be initiated unless facts are verified from official sources or a preliminary fact-finding confirms authenticity.



4. *Anonymous or unverifiable sources should not be used as the sole basis for proceedings. In such cases, the Commission should seek an administrative report from the concerned department before issuing notice.*

5. *Officers should be summoned only when their personal appearance is absolutely necessary and reasons for summoning officers must be recorded in writing. Written replies and documentary evidence should ordinarily suffice. Video conferencing should be preferred wherever possible; physical presence should remain exceptional. The Commission must, in that regard, follow the decision of the Hon'ble Supreme Court of India in **Civil Appeal Nos. 23-24 of 2024 (The State of Uttar Pradesh & Ors. v. Association of Retired Supreme Court and High Court Judges at Allahabad & Ors.)**.*”

[8] After hearing the learned advocates for the respective parties and considering the facts stated hereinabove, the central issue that arises for determination by this Court relates to the jurisdiction and scope of powers of the Human Rights Commission under the Protection of Human Rights Act, 1993. The question to be examined is whether, while exercising powers under the said Act, the Human Rights Commission has the authority to entertain



and proceed with a private property dispute, particularly when such dispute is already pending adjudication before a competent Civil Court?

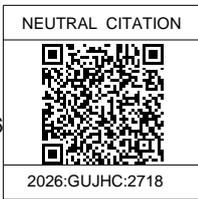
[9] So as to understand the powers and the jurisdiction of the Human Rights Commission to be exercised under the Act, relevant provisions under Sections 2(d), 12, 17, 18, 29 and 36 of the Protection of Human Rights Act, 1993 are required to be considered and the same are referred to as under:

“2. Definition.- (1) In this Act, unless the context otherwise requires-

(d) “human rights” means the rights relating to life, liberty, equality and dignity of the individual guaranteed by the Constitution or embodied in the International Covenants and enforceable by courts in India;”

“12. Functions of the Commission.—The Commission shall perform all or any of the following functions, namely:—

(a) inquire, suo motu or on a petition presented to it by a victim or any person on his behalf [or on a direction or order of any court], into complaint of—



(i) violation of human rights or abetment thereof; or

(ii) negligence in the prevention of such violation, by a public servant;

(b) intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court;

[(c) visit, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;]

(d) review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;

(e) review the factors, including acts of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures;

(f) study treaties and other international instruments on human rights and make recommendations for their effective implementation;



(g) undertake and promote research in the field of human rights;

(h) spread human rights literacy among various sections of society and promote awareness of the safeguards available for the protection of these rights through publications, the media, seminars and other available means;

(i) encourage the efforts of non-governmental organisations and institutions working in the field of human rights;

(j) such other functions as it may consider necessary for the promotion of human rights.”

“17. Inquiry into complaints.—*The Commission while inquiring into the complaints of violations of human rights may—*

(i) call for information or report from the Central Government or any State Government or any other authority or organisation subordinate thereto within such time as may be specified by it:

Provided that—

(a) if the information or report is not received within the time stipulated by the Commission, it may proceed to inquire into the complaint on its own;

(b) if, on receipt of information or report, the Commission is satisfied either that no further inquiry is required or that the



required action has been initiated or taken by the concerned Government or authority, it may not proceed with the complaint and inform the complainant accordingly;

(ii) without prejudice to anything contained in clause (i), if it considers necessary, having regard to the nature of the complaint, initiate an inquiry.”

“18. Steps during and after inquiry.—*The Commission may take any of the following steps during or upon the completion of an inquiry held under this Act, namely:—*

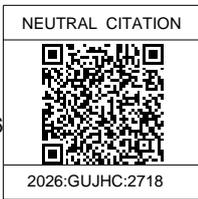
(a) where the inquiry discloses the commission of violation of human rights or negligence in the prevention of violation of human rights or abetment thereof by a public servant, it may recommend to the concerned Government or authority—

(i) to make payment of compensation or damages to the complainant or to the victim or the members of his family as the Commission may consider necessary;

(ii) to initiate proceedings for prosecution or such other suitable action as the Commission may deem fit against the concerned person or persons;

(iii) to take such further action as it may think fit;

(b) approach the Supreme Court or the High Court concerned for



such directions, orders or writs as that Court may deem necessary;

(c) recommend to the concerned Government or authority at any stage of the inquiry for the grant of such immediate interim relief to the victim or the members of his family as the Commission may consider necessary;

(d) subject to the provisions of clause (e), provide a copy of the inquiry report to the petitioner or his representative;

(e) the Commission shall send a copy of its inquiry report together with its recommendations to the concerned Government or authority and the concerned Government or authority shall, within a period of one month, or such further time as the Commission may allow, forward its comments on the report, including the action taken or proposed to be taken thereon, to the Commission;

(f) the Commission shall publish its inquiry report together with the comments of the concerned Government or authority, if any, and the action taken or proposed to be taken by the concerned Government or authority on the recommendations of the Commission.]”

“29. Application of certain provisions relating to National Human Rights Commission to State Commissions.—The provisions of sections 9, 10, 12, 13, 14, 15, 16, 17 and 18 shall apply to a State Commission and shall have effect, subject to the following modifications, namely:—



(a) references to “Commission” shall be construed as references to “State Commission”;

(b) in section 10, in sub-section (3), for the word “Secretary-General”, the word “Secretary” shall be substituted;

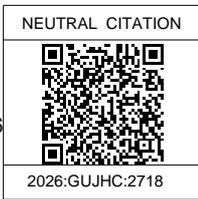
(c) in section 12, clause (f) shall be omitted;

(d) in section 17, in clause (i), the words “Central Government or any” shall be omitted.”

“36. Matters not subject to jurisdiction of the Commission.—(1)
The Commission shall not inquire into any matter which is pending before a State Commission or any other Commission duly constituted under any law for the time being in force.

(2) The Commission or the State Commission shall not inquire into any matter after the expiry of one year from the date on which the act constituting violation of human rights is alleged to have been committed.”

[10] At this stage, in my view, it is also apt to take into consideration the provisions of Regulations 9, 11, 12, 14 and 21 of the National Human Rights Commission (Procedure) Regulations, 1994 (for short, “the Regulations, 1994”). The same are referred to



as under:

“9. Complaints not ordinarily entertainable. - *The Commission may dismiss in limine complaints of the following nature:*

(i) illegible;

(ii) vague, anonymous or pseudonymous;

(iii) trivial or frivolous;

(iv) barred under Section 36 (1) of the Act;

(v) barred under Section 36 (2) of the Act;

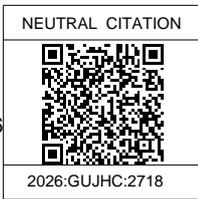
(vi) allegation is not against any public servant;

(vii) the issue raised relates to civil dispute, such as property rights, contractual obligations and the like;

(viii) the issue raised relates to Service matters;

(ix) the issue raised relates to labour / industrial disputes;

(x) allegations do not make out any specific violation of human rights;



(xi) matter is sub judice before a court or tribunal;

(xii) matter is covered by a judicial verdict or decision of the Commission;

(xiii) where it is only a copy of the complaint addressed to some other authority;

(xiv) the matter is outside the purview of the Commission on any other ground.”

“11. Sorting of complaints etc. – (a) Immediately on receipt of the Dak, the Section Officer in-charge of each section in the Law Division shall sort out the fresh complaints and place them forthwith for scrutiny before the respective Assistant Registrar(s) who are put in-charge of the respective sections in that Division in accordance with the special or general order of allocation as may be made by the Registrar.

(b) Complaints and other communications requiring urgent attention shall however, be placed forthwith before the Registrar who shall give such directions as may be necessary.

(c) All other communications relating to his section shall be processed and appropriately dealt with.



(d) All complaints and other communications which are not in English and which are required to be placed before the Commission shall be got translated into English with utmost expedition.

Provided that only the gist of the complaint shall be prepared in English if the complaint is not entertainable or is of an urgent nature, requiring immediate attention.”

“12. Scrutiny or complaints.-*(a) On completion of scrutiny of each complaint, the Assistant Registrar shall fill up Form No. 1 in case of complaints which are prima facie entertainable and fill up Form No. 2 if the complaint is prima facie not entertainable for any of the reasons mentioned in regulation 9. He shall then send the complaint with the scrutiny report appended thereto, to the section concerned for registration.*

(b) If, however, the petition/communication is found to be not a complaint falling under section 12(a) of the Act but relates to any other clause in Section 12, the same shall be placed forthwith before the Registrar, who shall cause it to be transmitted under acknowledgment to the Secretary General, who shall place it with a brief note before the full Commission as early as possible.”

“14. Registration. *(a) A common register shall be maintained*



in the Law Division for entering in serial order the case number with State Code and year of Registration, the corresponding diary number and the State to which the incident relates in respect of each complaint to be registered. Immediately on completion of the scrutiny, entry shall be made in the common register and the case number assigned to the complaint along with State Code shall be entered at the top right-hand corner of the complaint in red ink and also in the space provided in the Scrutiny Report.

(b) File covers shall be got printed as in Form No. 3 Records relating to each complaint shall be kept in a separate file cover arranging them chronologically in the following order.

(i) Index in Form No. 4

(ii) Order Sheet in Form No. 5

(iii) Scrutiny Report in Form No. 1/Form No. 2, as the case may be

(iv) Complaint with annexures, if any

(v).....

(vi)

(c) The case file shall then be transmitted forthwith to the



officer in-charge of the listing section for placing the matter before the Commission.”

“21. Preliminary consideration, Issue of Notice, etc.- (a) *If on consideration of the complaint the Commission dismisses the complaint in limini, the said order shall be communicated to the complainant in Form No. 6 and the case shall be treated as closed.*

(b) *If on consideration of the complaint or suo motu the Commission admits/take cognizance and directs issue of notice to any authority calling upon it to furnish information/report, a notice in Form No. 7 shall be issued, enclosing a copy of the complaint thereto. Such notice shall be signed by the Assistance Registrar.*

(c) *If no time is fixed by the Commission for the return of notice/furnishing of information/report, the time shall be 30 days from the date of service of the notice.*

(d) *If, however, the Commission issues any other direction or order, action shall forthwith be taken accordingly.*

(e) *If the reports information is not received from the concerned authority within the given time, or received late or not complete in all respects, the case shall be placed before the Commission or further direction.*



(f) Intimation of the order referred to in Clauses (b) and (d) shall be given to the complainant forthwith.”

- **ANALYSIS OF THE RELEVANT PROVISIONS OF THE ACT AND THE REGULATIONS IN THE CONSPECTUS OF THE FACTS OF THE CASE:**

[11] A plain reading of Section 2(d) of the Act makes it clear that the legislature has specifically defined what constitutes “human rights” under the Act. As per legislative intent, “human rights” are those rights relating to life, liberty, equality, and dignity of an individual, which are either guaranteed by the Constitution or embodied in the International Covenants and are enforceable by courts in India. In other words, only those rights which have a direct nexus with life, liberty, equality, and dignity, and which are constitutionally guaranteed, fall within the definition of “human rights.” A dispute between private individuals regarding private property cannot be said to be a right guaranteed by the Constitution. Rights relating to private property are required to be adjudicated and resolved by a competent Civil Court. Therefore, such rights are not included within the scope and ambit of the



Protection of Human Rights Act, 1993. The essential requirement for any right to qualify as a “human right” under the Act is that it must be guaranteed by the Constitution.

[12] On examining Section 12 of the Act, it is evident that the legislature has defined the powers and functions of the Commission. For the present case, Sections 12(a) and 12(b) are particularly relevant. Under Section 12(a), the Commission is empowered to inquire, either *suo motu* or on a complaint, into allegations of violation of human rights, abetment thereof, or negligence in preventing such violation by a public servant. A private property dispute between individuals does not amount to a violation of human rights and, therefore, does not fall within the scope of inquiry under Section 12(a) of the Act.

[12.1] Further, Section 12(b) provides that where proceedings relating to an alleged human rights violation are already pending before a court, the Commission cannot intervene without obtaining permission from that court. The legislative intent behind this provision is to ensure that the Commission does not



interfere with or parallelly proceed in matters already under judicial consideration, thereby preserving the primacy and authority of the courts. It is, therefore, a clear statutory mandate that the Commission must respect pending court proceedings and refrain from intervening without prior approval of the concerned Court.

[13] A careful reading of Section 17 of the Act shows that the legislature has prescribed a specific procedure to be followed by the Commission while dealing with complaints of human rights violations. The inquiry contemplated under Section 17 is of significance, and during such inquiry, the Commission is required to call for information or reports from the concerned Government, authority, or organisation against whom the allegation of violation of human rights is made.

[14] With regard to Section 36 of the Act, a plain reading makes it clear that the State Commission is barred from inquiring into any complaint after the expiry of one year from the date on which the alleged violation of human rights is stated to have occurred. The legislature has thus placed an express limitation on



the jurisdiction of the Commission to entertain complaints beyond the prescribed period of one year. The intention is to prevent consideration of stale or delayed complaints.

[15] On a conjoint reading of the scheme of the Act along with the Regulations, particularly Sections 12 and 29 of the Act read with Regulation 9 of the Human Rights Regulations, 1994, it is evident that the Commission is required to perform its statutory functions only in matters falling within the scope of the Act. Regulation 9, which is applicable to the State Human Rights Commission, empowers the Commission to dismiss a complaint at the threshold if it does not disclose a case of violation of human rights or falls within the categories specified therein:

“9. Complaints not ordinarily entertainable. - The Commission may dismiss in limine complaints of the following nature:

(i);

(ii);

(iii).....;



(iv).....;

(v) barred under Section 36 (2) of the Act;

(vi) allegation is not against any public servant;

(vii) the issue raised relates to civil dispute, such as property rights, contractual obligations and the like;

(viii).....;

(ix).....;

(x)

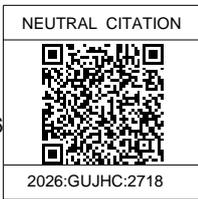
(xi) matter is sub judice before a court or tribunal;

(xii)

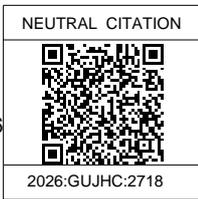
(xiii)

(xiv) the matter is outside the purview of the Commission on any other ground.”

[16] On a combined reading of the relevant provisions of the Act and the Human Rights Regulations, 1994, it is clear that the complaint filed by respondent No.4 before respondent No.3–Commission regarding her alleged share in the property was wholly



misconceived. The dispute was already pending before the competent Civil Court, and the allegations of so-called human rights violations were made against private individuals who are not public servants. Therefore, the proceedings initiated by the Commission were legally untenable, not maintainable, and amount to an abuse of the process of law. The complaint was filed with *mala fide* intent to resolve a private property dispute under the guise of human rights violations and to overreach the civil proceedings already initiated by respondent No.4 herself. It appears that after the complaint was filed, the Commission issued summons as well as bailable and non-bailable warrants, which ultimately resulted in a settlement being reached in favour of respondent No.4 by coercing the petitioners. The present case, therefore, is a clear example of abuse of legal process. Unfortunately, the Human Rights Commission committed a serious error in entertaining such a complaint and in initiating proceedings, including issuance of summons and warrants. For the reasons stated above, the Commission could not have initiated proceedings on such a vague complaint, especially when it lacked jurisdiction under Sections 12,



29, and 36(2) of the Act read with Regulation 9 of the Regulations, 1994.

[17] It further appears that before issuing notices, summons, and warrants, and before taking cognizance of the complaint filed by respondent No.4, the Commission did not conduct any preliminary inquiry as required under the Act. The Commission ought to have first examined whether the complaint was fit to be entertained, whether it had *prima facie* jurisdiction, and whether the dispute fell within the scope of Section 36 of the Act or Regulation 9 of the Regulations, 1994. Only after such satisfaction could the complaint have been entertained. Had the Commission exercised due care and conducted the preliminary inquiry contemplated under law, the present situation would not have arisen. Instead, the Commission acted in undue haste. This is evident from the notice dated 12th June 2025, wherein it was specifically directed that the parties should take necessary steps to give a share to respondent No.4 as per prevailing custom through mediation and settle the dispute. This clearly reflects the manner in



which the proceedings were initiated and pursued.

[18] From the facts on record, it is evident that the petitioners and respondent No.4 are related to each other. Respondent No.4 had relinquished her rights in favour of the petitioners by a registered deed dated 23rd November 2015. She thereafter filed Regular Civil Suit No.149 of 2025 on 9th April 2025 before the learned Principal Senior Civil Judge, Gandhinagar, seeking cancellation of the relinquishment deed, declaration, injunction, and partition, which is presently pending. Despite this, respondent No.4 initiated proceedings before the Commission in respect of the same land, claiming a share in the property by alleging violation of human rights. The Commission mechanically entertained the complaint and issued notices and summons directing the petitioners to remain present, which ultimately resulted in a settlement. Consequently, the civil suit filed by respondent No.4 stood virtually allowed without any judicial adjudication. The circumstances speak for themselves. Therefore, with due respect to respondent No.3–Commission, being a constitutional authority, this Court refrains from making any



further observations regarding the exercise of jurisdiction not vested in it.

[19] In view of the above facts and circumstances, this Court is firmly of the opinion that the initiation of inquiry by respondent No.3 in a private dispute between two private individuals not only exceeded its jurisdiction but also amounted to usurpation of the powers of the Civil Court. The Human Rights Commission is a statutory body constituted under the Act and is expected to function strictly within the limits of its statutory authority. Proceedings under the Act are not meant for settlement of private property disputes. The Commission cannot conduct inquiries or proceedings in a casual manner that defeats the object and intent of the legislature. It is expected to exercise its powers with due caution and circumspection. Before initiating any proceedings, the Commission must form at least a *prima facie* opinion regarding the existence of a human rights violation. The Commission is also required to be vigilant, particularly where the complaint itself discloses that the dispute is predominantly civil in nature and requires adjudication by a court of law. In the present case, the



dispute is admittedly a private property dispute between individuals. Therefore, the Commission ought to have applied its mind before initiating proceedings under the Act as to whether the dispute fell within the scope of the Human Rights Act. Entertaining such a complaint, issuing summons, and taking cognizance can have serious consequences. In the present case, no such due consideration was shown, and the proceedings were initiated in a casual manner, which, in the opinion of this Court, amounts to usurpation of the jurisdiction of the Civil Court. A grievance relating to share in property cannot, by any stretch of imagination, be treated as a violation of human rights. Even assuming that the Commission was of the view that there was a human rights violation, it was still incumbent upon it to first ascertain whether any civil proceedings were pending before a court of law and, if so, to obtain prior permission from the concerned court before proceeding further, as mandated by law.

[20] In view of the aforesaid, it is observed and held that the initiation of proceedings by the respondent No.4 before the



respondent No.3 – Commission was not tenable in law and can be said to be vexatious and filed with *mala fide* intention to settle the private property dispute and even exercise of jurisdiction by the respondent No.3 in entertaining such complaint by taking cognizance by issuing Notices, summons, bailable / non-bailable warrants are also wholly without jurisdiction being beyond the scope and ambit of the Commission.

[21] Before concluding the present proceedings, and while exercising powers under Article 226 of the Constitution of India, this Court considers it appropriate to issue certain directions and guidelines regarding the jurisdiction and exercise of powers by the Human Rights Commission under the Protection of Human Rights Act, 1993. These directions are issued to ensure that, in future, the powers under the Act are not abused and the process of law is not misused. The Court deems it necessary to lay down such guidelines to effectively achieve the object and purpose of the Protection of Human Rights Act, 1993, as set out hereunder:

- (i) Before taking *suo motu* cognizance and / or upon any



complaint of complainant, the Human Rights Commission shall conduct a primary scrutiny to ascertain whether allegation *prima facie* discloses any violation of human rights, as defined under Section 2(1)(d) of the Act. For exercising *suo motu* powers, the Commission shall have to be more vigilant and such exercise of powers shall not be on a casual information, but shall be based on *prima facie* trustworthy material and disclosure thereof shall have to be recorded in the order by which *suo motu* cognizance is taken;

- (ii) While taking cognizance and / or entertaining complaint(s) alleging violation of human rights, the Commission shall take into consideration the Regulation 9 of the National Human Rights Commission (Procedure) Regulations, 1994 and consider whether the allegation (s) / complaint(s) falls in any of the provisions of Regulation 9 of the Regulations 1994;
- (iii) The Human Rights Commission shall not entertain any



complaint which predominantly involve private civil dispute including the disputes relating to title, possession, succession, partition, Release Deed, Contracts or other matters squarely falling within the domain of the Civil Court unless there is a demonstrable involvement of the State action resulting in a recognizable human rights violation;

- (iv) The Human Rights Commission shall have to seek declaration from the complainant with regard to any ongoing proceeding before any Court of law for the same subject matter. If it appears that there is a proceeding on going, the Commission shall refrain itself from proceeding further usurping the powers of the competent Civil Court. The Commission shall ensure that its inquiry does not run parallel, overlap with or does not obstruct the judicial proceedings or does not result in conflicting with the determination of issues pending adjudication before the Court;



- (v) Any decision taking cognizance of a complaint must be after holding preliminary inquiry and supported by a brief written order recording the satisfaction of the Commission that;
- (a) The complainant discloses a *prima facie* case of violation of human rights; and
- (b) Inquiry by the Commission is legally maintainable under the Act;
- (vi) The Human Rights Commission shall exercise due diligence before issuing summons, notices, warrants ensuring that;
- (a) Such measures are taken only after proper application of mind, more particularly, issuance of warrants shall not be in a casual manner. The mode of issuance of warrants shall be the last resort with a recording of brief reasons thereof;
- (b) The tone and tenor of all the communications



shall be neutral and judicial in character;

- (vii) Unnecessary impleadment of public officials in purely private matters is to be strictly avoided. The public officials, in any case, shall not have to be called upon personally before the Commission in a casual manner and if at all need be, considering the seriousness, the officials shall have to be allowed to be remained present by online proceeding;
- (viii) Public Officials shall not be arraigned as party in any private dispute;
- (ix) The Human Rights Commission shall periodically undertake training of its members and staffs on:
- (a) Statutory limits of jurisdiction;
 - (b) Distinction between civil rights and human rights;
 - (c) Proper exercise of powers while undertaking inquiry;
- (x) The Human Rights Commission must be guided by the



legislative intent and must ensure that the Commission's function is as a protector of the genuine human rights and not as an alternative forum for Civil Dispute Resolution.

[22] For the foregoing reasons, present petition is allowed. The impugned proceedings initiated by the respondent No.4 before the respondent No.3 - Gujarat State Human Rights Commission, if any pending, against the petitioners are hereby quashed and set aside. No order as to costs.

CHANDRESH

(NIRAL R. MEHTA,J)