

IN THE HIGH COURT OF KARNATAKA AT  
BENGALURU

DATED THIS THE 31<sup>ST</sup> DAY OF DECEMBER, 2015

BEFORE

THE HON'BLE MR. JUSTICE ANAND BYRAREDDY

WRIT PETITION No.59466 OF 2015 (GM-RES)

BETWEEN:

V. Rama Subramaniam,  
Aged about 54 years,  
Son of Sri. M.S.Venkateswaran,  
Residing at Flat No.102,  
"Eden Hall", No.245, 80 Feet Road,  
Defence Colony,  
Bangalore 560 038.

...PETITIONER

(By Smt. Indu R Raj, Advocate)

AND:

1. Eden Hall Apartments Condominium,  
"Eden Hall", No.245,  
80 Feet Road,  
Defence Colony,  
Bangalore 560 038,  
Represented by R.S.Vidya Shankar.
2. The State of Karnataka,  
By its Home Secretary,  
Vidhana Soudha,  
Vidhana Veedhi,

Bangalore 560 001.

3. The Commissioner of Police,  
Infantry Road,  
Bangalore 560 001.

...RESPONDENTS

(By Shri E.S.Indiresh, Additional Government Advocate for  
Respondent Nos. 2 and 3)

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This Writ Petition filed under Articles 226 and 227 of the Constitution of India praying to issue a writ of mandamus to the R-2 and 3 to give effect to the order dated 23.12.2015 passed by the Karnataka State Human Rights Commissions [SHRC] vide Annexure-A and etc;

This Writ Petition coming on for Preliminary Hearing, this day, the court made the following:

### **ORDER**

Heard the learned counsel for the petitioner.

2. The petitioner is said to be the owner of one of the apartments of a building consisting of 7 apartments. It transpires that the petitioner is also a member of an Association which takes care of the maintenance of the building. On account of certain disputes between the petitioner and the Association, the power supply to the common area surrounding

the petitioner's apartment as well as lift facility to the floor on which the petitioner's apartment is situated, has been disconnected. The petitioner claims that he has aged parents who require emergent medical attention at times and that they are at serious risks to their lives on account of the lift facility being disconnected and the power supply also being disconnected.

3. The petitioner is said to have approached the State Human Rights Commission alleging harassment and denial of human rights to his parents and the State Human Rights Commission has taken note of the same and has directed the local police to provide appropriate police protection, which has not been provided.

Incidentally, it is stated that there is a money suit instituted by the first respondent – Association and on an application filed under Section 151 of the Code of Civil Procedure, 1908, the court below has directed disconnection of

such power supply, which is wholly alien to the suit filed before the Civil Court and hence, the present petition.

4. The learned counsel for the petitioner seeks to sustain the maintainability of this petition on the sole ground that there was a direction to the third respondent – police to provide police protection, by the Human Rights Commission, which has not been done and therefore seeks an appropriate direction to the police to ensure that power supply is restored, as prayed for.

5. However, given the circumstances of the case, the petitioner seeks to enforce a contractual right in seeking restoration of power supply which has been denied by the Association on one or the other pretext. If the matter is pending before the Civil Court, it would be appropriate for the petitioner to seek such a direction in the Civil Court itself and the Civil Court could consider issuing such directions in the circumstances of the case on such conditions as it may impose on the petitioner. The question of this Court enforcing the

orders of the State Human Rights Commission would not arise, as this Court is not an Executing Court acting pursuant to the orders if any passed by the State Human Rights Commission.

Accordingly, the petition is disposed of without prejudice to any remedies that the petitioner may have before the Civil Court, either in the pending proceedings or in any independent proceedings that he may institute.

**Sd/-  
JUDGE**

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