



WEB COPY

W.P.(MD) No.2156 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.02.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

W.P.(MD) No.2156 of 2020

Saranya

... Petitioner

Vs.

1.The Principal Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat,
Chennai.

2.The Superintendent,
Central Prison,
Tiruchirappalli.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents, to permit the petitioner's husband to take treatment for his ailment in private hospital in Tiruchirappalli City.

For Petitioner : Mr.S.Muthukrishnan

For Respondents : Mrs.S.Bharathi,
Government Advocate, (Crl. side)

ORDER

The Writ Petition has been filed to direct the respondents, to permit the petitioner's husband to take treatment for his ailment in private hospital in Tiruchirappalli City.

2. It is the grievance of the petitioner is that She has submitted a representation, dated 20.01.2020 to the second respondent, which has not been considered by the second respondent till date and therefore, she has filed the present writ petition.

3. Today, when the matter is taken up for hearing, the learned Government Advocate (crl. Side) would submit that the petitioner was detained as 'sand offender'



pursuant to the order passed by the District Collector, Trichy District in P.D. No. 68, dated 06.11.2019 and that the petitioner has sent a representation on 20.01.2020. She would further submit that as per section 2(gg) of the Tamil Nadu Act 14 of 1992, the State Government has got powers to temporarily release the persons detained and that the representation of the petitioner will be considered in due course and the State Government has to consider the same.

4. This Court has not expressed any of its view with regard to the merits of the representation made by the petitioner. It is needless to point out that whenever a representation of this nature is made, the respondents are duty bound to consider the same in one way or the other. Non-consideration of the same would amount to dereliction of ordinary duties of their office and as such, this Court would be justified in invoking its powers conferred under Article 226 of the Constitution of India to direct them to consider the petitioner's representation within a stipulated time.

5. In view of the limited prayer sought for in this writ petition and without going into the merits of the case, there shall be a direction to the second respondent to consider the petitioner's representation dated 20.01.2020 on its own merits and take further action in accordance with law, within a period of *Six Weeks* from the date of receipt of a copy of this order. Such an exercise shall be done after giving due opportunity to the petitioner and to the rival parties if any.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (C.S.II)

//True Copy //

/ /2020

Sub Assistant Registrar(CS)



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To

1.The Principal Secretary,
Home Department,
Government of Tamil Nadu,
Secretariat,
Chennai.

2.The Superintendent,
Central Prison, Tiruchirappalli.

+1cc to Mr.S.Muthu Krishnan, Advocate Sr.No.7467

AKM/08.05.2020 /3P-4C/

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