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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 02.06.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE MOHAMMED SHAFFIQ

W.P.No.13506 of 2022

V.N.Vishwanath

... Petitioner

Vs

1. The Secretary to the Government,
Law, Justice & Prison Department,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.
2. The Director General of Prison,
Prison Department,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Superintendent of Central Prison,
Prison 1, Puzhal,
Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 25.04.2022, to grant emergency leave of 30 days to the father of the petitioner Y.V.Nagaraj (convict), son of Y.Subba Rao presently held at Central Prison-1, Chennai - 66 bearing C.B.No.6707, in order to take care of her mother and provide her education.

For Petitioner : Mr.R.Rajan

For Respondents: Mr.A.Damodaran
Additional Public Prosecutor

O R D E R

[Order of the Court was made by M.S.RAMESH, J.]

The petitioner herein had given a representation to the respondents on 25.04.2022, seeking to grant emergency leave of



30 days to her father viz., Y.V.Nagaraj (convict), son of Y.Subba Rao presently held at Central Prison-1, Chennai - 66 bearing C.B.No.6707, in order to take care of her mother and provide her education.

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2. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. In the light of the above observation, there shall be a direction to the respondents herein to consider the petitioner's representation dated 25.04.2022 on its own merits and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

4. With the above direction, the Writ Petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

dn/rst

To

1. The Secretary to the Government,
Law, Justice & Prison Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.
2. The Director General of Prison,
Prison Department, Gandhi Irwin Road,
Egmore, Chennai - 600 008.



3. The Superintendent of Central Prison,
Prison 1, Puzhal,
Chennai.

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SVI (CO)
CT 14/06/2022