



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.06.2022

CORAM:

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

W.P.NO.14019 OF 2022

Pachiyammal

...Petitioner

Vs

1. The State rep by,
The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Deputy Inspector General of Prison,
Vellore Range,
Vellore-2.
3. The Superintendent of Prison,
Central Prison,
Vellore -2.

...Respondents

PRAYER:

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to grant 30 days ordinary leave by considering the representation of the petitioner dated 26.05.2022 and release her brother Theepori Perumal S/o.Govindasamy, aged 64 years, Ct.No.19892, now confined in the Central Prison, Vellore.

For Petitioner : Mr.S.Nadhiya

For Respondents: Mr.A.Damodaran
Additional Public Prosecutor



O R D E R

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

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The petitioner herein had given a representation to the respondents on 26.05.2022, seeking to grant 30 days ordinary leave and release her brother Theepori Perumal S/o.Govindasamy, aged 64 years, Ct.No.19892, now confined in the Central Prison, Vellore.

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 26.05.2022, on its own merits and pass appropriate orders in accordance with law, within a period of ten days 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/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

dn/rst

To

- 1 The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.



2. The Deputy Inspector General of Prison,
Vellore Range,
Vellore-2.

3. The Superintendent of Prison,
Central Prison,
Vellore -2.

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RR(CO)
PM/14/06/2022