



WEB COPY



W.P.(MD)No.1095 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.07.2023

CORAM :

THE HONOURABLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

W.P.(MD) No.1095 of 2023

Kalanjiyathal

.. Petitioner

vs.

- 1.State through,
The Additional Chief Secretary,
Government of Tamil Nadu,
Home (Prison-IV) Department,
Fort St.George, Chennai.
- 2.The Inspector General of Prison, Chennai.
- 3.The Deputy Inspector General of Prison,
Central Prison, Madurai.
- 4.The Superintendent of Prison,
Central Prison, Madurai.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents 2 to 4 to forward the petitioner's representation dated 21.11.2022 to the first respondent and consecutively direct the first respondent to pass further or necessary orders within the time frame stipulated by this Court.



WEB COPY



W.P.(MD)No.1095 of 2023

For Petitioner : Mr.S.Srikanth
for M/s.APN Law Associates
For respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

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

The petitioner had given a representation to the respondents 2 to 4 on 21.11.2022 to consider the premature release of her husband as he had completed his 20 years period of incarceration. Since the said representation was not considered, the present Writ Petition has been filed.

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 directing them to consider the same within a stipulated time.



W.P.(MD)No.1095 of 2023

3. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 21.11.2022, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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. There shall be no order as to costs.

(M.S.R., J.) (M.N.K., J.)
17.07.2023

NCC : Yes/No
Index : Yes/No
Speaking/Non-speaking order

mbi/RR



W.P.(MD)No.1095 of 2023

To

- 1.The Additional Chief Secretary,
Government of Tamil Nadu,
Home (Prison-IV) Department,
Fort St.George, Chennai.
- 2.The Inspector General of Prison,
Chennai.
- 3.The Deputy Inspector General of Prison,
Central Prison, Madurai.
- 4.The Superintendent of Prison,
Central Prison, Madurai.



WEB COPY



W.P.(MD)No.1095 of 2023

M.S.RAMESH, J.
and
M.NIRMAL KUMAR, J.

mbi/RR

W.P.(MD) No.1095 of 2023

17.07.2023