



W.P.(MD).No.10344 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 04.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

W.P.(MD).No.10344 of 2023

Suthakar

.. Petitioner

Vs.

The Superintendent,
Central Prison,
Madurai.

.. Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent to consider the petitioner's representation dated 20.03.2023 within a time to be stipulated by this Court.

For Petitioner : Mr.S.Vinodh

For Respondent : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner herein had given a representation to the respondent on 20.03.2023 seeking to set off the detention period of 123 days from 23.02.2016 to 24.06.2016. 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 respondent 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.



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3. In the light of the above observations, there shall be a direction to the respondent herein to consider the petitioner's representation, dated 20.03.2023, on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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.)
04.07.2023

NCC : Yes / No
Index : Yes / No
Lm

To

1.The Superintendent,
Central Prison,
Madurai.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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