



W.P.(MD).No.16501 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.07.2023

CORAM

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

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K.Rajapandian

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,  
Represented by its Secretary to Government,  
The Home Department (Prison IV),  
State of Tamil Nadu,  
Fort St.George,  
Chennai.
- 2.The Director General of Police/Director of Prisons and  
Correctional Services,  
C.M.D.A. Towers II,  
No.1, Gandhi Irvin Road,  
Elumbur,  
Chennai – 8.
- 3.The Deputy Inspector General of Prisons,  
Madurai Range,  
Madurai Central Prison Campus,  
A.A. Road,  
Arasaradi,  
Madurai – 625 016.



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4. The Superintendent of Prison,  
Palayamkottai Central Prison,  
Tirunelveli District.

.. Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents to grant 28 days ordinary leave or emergency leave to petitioner's son by name R.Mahesh (C.P.3474) S/o.Rajapandian, now confining as a life convict prisoner at Palayamkottai Central Prison, Tirunelveli based on the G.O.Ms(No).205 Home (Prison-V) Department dated 25.04.2022, to enable the petitioner's son to be with his mother on her ill-health in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.R.Meenakshi Sundaram  
Additional Public Prosecutor

### **ORDER**

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

By consent of both the parties, this Writ Petition is taken up for final disposal.



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2. The petitioner herein had given a representation to the respondents on 01.07.2023 seeking for grant of 28 days ordinary leave to his son, namely, R.Mahesh, who is a life convict prisoner at Palayamkottai Central Prison, Tirunelveli. Since the said representation was not considered, the present Writ Petition has been filed.

3. 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.

4. In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation, dated



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01.07.2023, 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.

5. 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.)**  
**10.07.2023**

NCC : Yes / No  
Index : Yes / No  
Lm/Tsg

To

1.The Secretary to Government,  
The State of Tamil Nadu,  
The Home Department (Prison IV),  
State of Tamil Nadu,  
Fort St.George,  
Chennai.

2.The Director General of Police/Director of Prisons and  
Correctional Services,  
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3.The Deputy Inspector General of Prisons,  
Madurai Range,  
Madurai Central Prison Campus,  
A.A. Road,  
Arasaradi,  
Madurai – 625 016.

4.The Superintendent of Prison,  
Palayamkottai Central Prison,  
Tirunelveli District.

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



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

Lm/Tsg

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