



W.P.(MD).No.18982 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.08.2023

CORAM

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

W.P.(MD).No.18982 of 2023

M.Marichamy

.. Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai.

2.The Deputy Inspector General of Prison,
Central Prison,
Madurai.

3.The Superintendent of Prison,
Central Prison,
Madurai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant emergency leave for 3 days to petitioner's brother namely Chinnamarimuthu, (CP.1038) S/o.Mahalingam, who is now confined at the Central Prison, Madurai, to visit his ill health wife Kasthuri.



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For Petitioner : Mr.K.Sudalaiyandi
For Respondents : Mr.A.Thiruvadikumar
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.

2. The petitioner herein had given a representation to the respondents 2 and 3 on 25.07.2023 seeking for grant of emergency leave for his brother, namely, Chinnamarimuthu (C.P.No.1038), who is confined at Madurai Central Prison. 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.



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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 25.07.2023, on its own merits and pass appropriate orders in accordance with law, within a period of one (1) week 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.)
07.08.2023

NCC : Yes / No
Index : Yes / No
Lm



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Madurai Bench of Madras High Court,
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and
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