



WP(MD)No.19182 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 22.08.2023

CORAM

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

W.P.(MD)No.19182 of 2023

Mariyam Meiyal

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Madurai Range
Madurai Central Prison,
Madurai District

2.The Superintendent of Prison
Central Jail
Palayamkottai,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant ordinary leave of 40 days without escort to the life convict prisoner, namely, Sahaya Bruno, S/o.Francis aged about 47 years detained at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Narayanan
For Respondents : Mr.A.Thiruvadi Kumar,
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 respondents on 01.03.2023 seeking release/premature release of her son, namely, Sahaya Bruno, (life convict LCT.No.1277) S/o.Francis, aged now confined at Madurai Central prison. 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 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 first respondent herein to consider the petitioner's representation, dated 01.03.2023, on its own merits and pass appropriate orders in accordance with law, within a period of one 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.

4. With the above direction, this Writ Petition stands disposed of.

(M.S.R.,J.) & (M.N.K.,J.)
22.08.2023

NCC : Yes / No
Index : Yes / No
RR



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To

1. The Deputy Inspector General of Prisons,
O/o. The Deputy Inspector General of Prisons,
and Correctional Services,
Madurai Range
Madurai Central Prison Campus,
New Jail Road,
Madurai District

2. The Superintendent of Prison
Central Jail
Palayamkottai,
Tirunelveli District.

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



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