



WP(MD)No.19302 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 10.08.2023

CORAM

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

W.P.(MD)Nos.19302 to 19310 of 2023

W.P.(MD) No.19302/2023

S.Ilayaraja

... Petitioner

Vs.

1.The State of Tamil Nadu
rep. by its Secretary
Department of Home affairs,
Fort St.George, Chennai-600 009.

2.The Additional Director General of Police /
Inspector General of Prisons,
No.6 Whannels Road,
Egmore, Chennai-8.

3.The Superintendent of Prison
Palayamkottai Central Prison,
Tirunelveli.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondent No.1 to consider the petitioner's representation dated 25.07.2023 and consequently direct the respondents to release the convict prisoner/father of the petitioner namely, D.Simson (male/67/2023)



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S/o.Duraimani Nadar (LCT No.3744) who is confining at respondent No.3 prison in the light of Government order G.O.(Ms) No.488 Home (Prison IV) Department dated 15.11.2021 within the time stipulated by this Court.

For Petitioners : Ms.T.Seeni Syed Amma
for M/s.Lajapathi Roy and Associates
For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

COMMON ORDER

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

The petitioners herein had given a representation to the respondents on 25.07.2023 seeking release of his father, namely, Simson (male/67/2023) S/o.Duraimani Nadar (LCT No.3744), who is confined at the third respondent Prison. Since the said representations were not considered, the present Writ Petitions have 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



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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.

3.In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioners' representations, dated 25.07.2023, 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 petitioners and that it is open to the concerned respondent to consider the same on its own merits.

4.With the above direction, these Writ Petitions stand disposed of.

(M.S.R.,J.) & (M.N.K.,J.)
10.08.2023

NCC : Yes / No
Index : Yes / No
RR



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M.S.RAMESH, J.

AND

M.NIRMAL KUMAR, J.

RR

To

- 1.The Secretary
Department of Home affairs,
Fort St.George, Chennai-600 009.
- 2.The Additional Director General of Police /
Inspector General of Prisons,
No.6 Whannels Road,
Egmore, Chennai-8.
- 3.The Superintendent of Prison
Palayamkottai Central Prison,
Tirunelveli
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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