



WP(MD)No.19462 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.08.2023

CORAM

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

W.P.(MD)No.19462 of 2023

Lathika

... Petitioner

Vs.

1.The Principal Secretary,
Home (Prison) Department,
Fort St.George, Secretariat,
Chennai-600080, Tamil Nadu.

2.The Director General of Prisons and Correctional Services,
Gandhi Irwin Road, C.M.D.A.Tower,
Egmore, Chennai, Tamil Nadu.

3.The Superintendent,
Central Prison, Madurai, Tamil Nadu.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's representation dated 17.04.2023 in consultation with the State Government / the 1st respondent for transferring the petitioner's son, A.Akhil, aged about 29 years, C.P.No.1685 from Central Prison, Madurai to Thiruvananthapuram Central Prison, State of Kerala.



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For Petitioner : Mr.A.Balaji
For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

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

By consent of both sides this Writ Petition is taken up for final disposal at the stage of admission itself.

2.The petitioner herein had given a representation to the respondents on 17.04.2023 to transfer her son, namely, A.Akhil, aged about 29 years, C.P.No.1685 from Central Prison, Madurai to Thiruvananthapuram Central Prison, State of Kerala. 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,



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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 respondents 2 and 3 herein to consider the petitioner's representation, dated 17.04.2023, on its own merits and pass appropriate orders in accordance with law, within a period of six (6) 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, this Writ Petition stands disposed of. No costs.

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

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NCC : Yes / No
Index : Yes / No

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M.S.RAMESH, J.

AND

M.NIRMAL KUMAR, J.

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To

- 1.The Principal Secretary,
Home (Prison) Department,
Fort St.George, Secretariat,
Chennai-600080, Tamil Nadu.
- 2.The Director General of Prisons and Correctional Services,
Gandhi Irwin Road, C.M.D.A.Tower,
Egmore, Chennai, Tamil Nadu.
- 3.The Superintendent,
Central Prison, Madurai, Tamil Nadu.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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