



W.P.(MD).No.20027 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.08.2023

CORAM

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

W.P.(MD).No.20027 of 2023

Chithra Devi

.. Petitioner

Vs.

1.The State of Tamilnadu,
Represented by the Principal Secretary to the Government,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai – 600 009.

2.The Director General,
Prison and Correctional Services,
State of Tamilnadu,
No.6 Whannels Road,
Egmore,
Chennai – 600 008.

3.The Deputy Inspector General of Prisons,
Madurai Range,
A.A Road,
Arasaradi,
Madurai – 625 016.

4.The Superintendent of Prison,
Madurai Special Prison for Women,
Madurai District.

.. Respondents



W.P.(MD).No.20027 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents to grant 21 days ordinary leave to petitioner's mother by name Alagammal wife of Alagu aged about 63 years, confining at Madurai Special Prison for Women to repair her house and to participate in marriage of the petitioner's daughter dated 21.08.2023 and for the better treatment in private hospital in pursuance of Rule 22 of Tamil Nadu Suspension of Sentence Rules, 1982 or on the basis of G.O.Ms.No.205, Home (Prison V) Department dated 25.04.2022 by considering petitioner's representation submitted to the respondents dated 04.08.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

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.



W.P.(MD).No.20027 of 2023

2. The petitioner herein had given a representation to the respondents on 04.08.2023 seeking for grant of 21 days of ordinary leave for her mother, namely, Alagammal, W/o.Alagu, aged about 63 years, who is confined at Special Prison for Women, Madurai. 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 first respondent herein to consider the petitioner's representation, dated 04.08.2023, 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



W.P.(MD).No.20027 of 2023

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.)
21.08.2023

NCC : Yes / No
Index : Yes / No
Lm

To

1.The Principal Secretary to the Government,
The State of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St.George,
Chennai – 600 009.

2.The Director General,
Prison and Correctional Services,
State of Tamilnadu,
No.6 Whannels Road,
Egmore,
Chennai – 600 008.

3.The Deputy Inspector General of Prisons,
Madurai Range,
A.A Road,
Arasaradi, Madurai – 625 016.



W.P.(MD).No.20027 of 2023

WEB COPY

4. The Superintendent of Prison,
Madurai Special Prison for Women,
Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P.(MD).No.20027 of 2023

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

Lm

W.P.(MD).No.20027 of 2023

21.08.2023