



W.P.(MD).No.20159 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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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.20159 of 2023

Poorna Valli

.. Petitioner

Vs.

1.The Additional Director General of Police (Prisons),
Gandhi Irwin Road,
Egmore,
Chennai.

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

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant 5 days leave (Parole) to the petitioner's husband namely Mr.Babu (aged 32 years) S/o. Mr.Thangapandi who is undergoing sentence as life convict in Central Prison, Palayamkottai to make arrangement to provide necessary medical treatment for the petitioner and her child.



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For Petitioner : Mr.J.Karthick

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 on 03.08.2023 seeking for grant of five days leave (Parole) for her husband, namely, Babu, S/o.Thangapandi, aged about 32 years, who is confined at Central Prison, Palayamkottai. 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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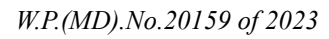
As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 03.08.2023, 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 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



1. The Additional Director General of Police (Prisons),
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Egmore,
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2. The Superintendent of Central Prison,
Central Prison,
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Tirunelveli District.

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