



W.P.(MD).No.20859 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 28.08.2023

CORAM

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

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P.Panjavarnam

.. Petitioner

Vs.

1.The State of Tamil Nadu,  
Represented by the Principal Secretary to Government,  
Home (Prison) Department,  
Tamil Nadu Government Chief Secretariat,  
Fort St.George,  
Chennai – 600 009.

2.The Additional Director General of Police/  
Inspector General of Prisons,  
C.M.D.A. Towers II,  
No.1, Gandhi Irwin Road,  
Egmore,  
Chennai – 600 008.

3.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai.

.. Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant parole for



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30 days to petitioner's husband namely M.Pandi S/o.Marimuthu aged 46 years who is confined at Central Prison, Madurai as Life Convict Prisoner in C.P.No.5990 for the purpose of his medical emergency treatment by considering petitioner's representation dated 08.08.2023.

For Petitioner : M/s.P.Yasmin Begum  
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 08.08.2023 seeking for grant of 30 days parole to her husband. Since the said representation has not been considered, this Writ Petition has been filed.

3. Though the petitioner herein had sought for grant of parole for her husband, the learned counsel for the petitioner submitted that they intend to



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seek for only emergency leave and not grant of parole. The said submission is hereby recorded.

4. 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.

5. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 08.08.2023, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) 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.



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6. 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.)  
28.08.2023

NCC : Yes / No  
Index : Yes / No  
Lm

To

- 1.The Principal Secretary to Government,  
The State of Tamil Nadu,  
Home (Prison) Department,  
Tamil Nadu Government Chief Secretariat,  
Fort St.George,  
Chennai – 600 009.
- 2.The Additional Director General of Police/  
Inspector General of Prisons,  
C.M.D.A. Towers II,  
No.1, Gandhi Irwin Road,  
Egmore,  
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- 3.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai.
- 4.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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

Lm

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