



W.P.(MD).No.21369 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.09.2023

CORAM

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

W.P.(MD).No.21369 of 2023

Rukumani

.. Petitioner

Vs.

1.The Deputy Inspector General of Prison,
Madurai Zone.

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

3.The Inspector of Police,
Thattaparai Police Station,
Thoothukudi District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 and 2 to grant ordinary leave of 7 days to the petitioner's son S.Lakshmanakumar (CT.No. 5083) on the basis of the petitioner's representations dated 14.07.2023 and 08.08.2023 which is pending before the respondents 1 and 2.



W.P.(MD).No.21369 of 2023

For Petitioner : Mr.S.Ramasamy
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 first respondent on 08.08.2023, seeking for grant of ordinary leave to her son, namely, S.Lakshmanakumar (CT.No.5083). Since the said representation has not been considered, this 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



W.P.(MD).No.21369 of 2023

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 08.08.2023, 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.)
01.09.2023

NCC : Yes / No
Index : Yes / No
Lm



W.P.(MD).No.21369 of 2023

To

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



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W.P.(MD).No.21369 of 2023

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

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W.P.(MD).No.21369 of 2023

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