



W.P.(MD).No.21549 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 05.09.2023

CORAM

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

W.P.(MD).No.21549 of 2023

Pakiyalakshmi

.. Petitioner

Vs.

- 1.State of Tamilnadu,
Represented by the Secretary to Government,
Home (Prison IV) Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director General of Police and
Inspector General of Prisons and Correctional Services,
Whannels Road,
Egmore,
Chennai – 600 008.
- 3.The Deputy Inspector General of
Prisons and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai – 625 016.



W.P.(MD).No.21549 of 2023

4.The Superintendent of Prison,
Central Prison,
Palayamkottai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents to grant 40 days ordinary leave for the petitioner's brother namely Sankaranarayanan (LCT No.2375) aged 60 years S/o.Krishnasamy, who confined at Palayamkottai Central Prison.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.R.Meenakshi Sundaram
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 10.07.2023, seeking for grant of 40 days ordinary leave to her brother, namely, Sankaranarayanan (LCT No.2375). Since the said representation has not been considered, this Writ Petition has been filed.



W.P.(MD).No.21549 of 2023

WEB COPY

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 10.07.2023, on its own merits and pass appropriate orders in accordance with law, within a period of two (2) 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.



W.P.(MD).No.21549 of 2023

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.)
05.09.2023

NCC : Yes / No

Index : Yes / No

Lm

To

1.The Secretary to Government,
State of Tamilnadu,
Home (Prison IV) Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Director General of Police and
Inspector General of Prisons and Correctional Services,
Whannels Road,
Egmore, Chennai – 600 008.

3.The Deputy Inspector General of
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4.The Superintendent of Prison,
Central Prison, Palayamkottai.

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



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W.P.(MD).No.21549 of 2023

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and
M.NIRMAL KUMAR,J.

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W.P.(MD).No.21549 of 2023

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