



WP(MD)No.21686 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 07.09.2023

CORAM

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

W.P.(MD)No.21686 of 2023

S.Chellammal

... Petitioner

Vs.

1.The State of Tamil Nadu

Represented by the Chief Secretary to Government,
Department of Home (Prison-IV)
St. George Fot, Chennai 600 009.

2.The Additional Director General of Police,

Inspector General of prisons,
Office of Inspector General of Prisons, Chennai.

3.The Superintendent of Prison

Palayamkottai Central Prison,
Palayamkottai, Tirunelveli District

4.The Inspector of Police,

Kottar Police Station,
Kotta, Nagercoil
Kanyakumari District

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant parole/leave for ten days to



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the petitioner's husband namely B.Govindarajan son of Bhagavathi Perumal (convict Prisoner) to execute the sale deed in favour of the Tamil Nadu Government for Acquisition of land on the representation sent by her on 21.08.2023.

For Petitioner : Mr.S.Balaji
For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by *M.S.RAMESH,J.*)

The petitioner herein had given a representation to the respondents on 21.08.2023 seeking parole/leave for ten days to her husband, namely, B.Govindarajan son of Bhagavathi Perumal (convict Prisoner), now confined at Palayamkottai Central prison. Since the said representation was not considered, the present Writ Petition has been filed.

2.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



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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.

3.In the light of the above observations, there shall be a direction to the petitioner to send a fresh representation to the first respondent within a period of one week from the date of receipt of a copy of this order and on receipt of the same, the first respondent herein shall consider the petitioner's representation, on its own merits and pass appropriate orders in accordance with law, within a period of two weeks from the date of receipt of the representation of the petitioner. 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.

4.With the above direction, this Writ Petition stands disposed of.

(M.S.R.,J.) & (M.N.K.,J.)
07.09.2023

NCC : Yes / No
Index : Yes / No



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To

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Office of Inspector General of Prisons, Chennai.
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4. The Inspector of Police,
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Kanyakumari District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH, J.

AND

M.NIRMAL KUMAR, J.

RR

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