



WP(MD)No.22210 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.09.2023

CORAM

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

W.P.(MD)No.22210 of 2023

Chandralekha

... Petitioner

Vs.

1.The State represented by its Secretary to Government of Tamilnadu
Department of Home,
Fort St. George, Chennai 600 009.

2.The Director General of Police (Prison)
Chennai.

3.The Superintendent of Police,
Palayamkottai Central Prison
Tirunelveli District

4.The Deputy Inspector General of Prisons,
O/o.The Deputy Inspector General of Prison,
and Correctional Services,
Madurai Range, Madurai Central Prison campus,
New Jail Road, Madurai.

... Respondents

(R4 has been *suo motu* impleaded vide order dated 19.09.2023)



WP(MD)No.22210 of 2023

WEB COPY

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant leave for 20 days without escort to the detenu Sudhakar, S/o.Ragavan, aged about 43 years, life convict prisoner bearing Convict No.LCT No.3646 detained at Central Prison, Palayamkottai, based on the petitioner's representation dated 02.09.2023.

For Petitioner : Mr.M.Perumal
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 02.09.2023 seeking to grant leave for 20 days without escort to the detenu Sudhakar, S/o.Ragavan, aged about 43 years, life convict prisoner bearing Convict No.LCT No.3646 detained at Central Prison, Palayamkottai. Since the said representation was not considered, the present Writ Petition has been filed.



WP(MD)No.22210 of 2023

WEB COPY

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 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. It is now brought to our notice that the petitioner's representation dated 02.09.2023 has been made only to the 2nd respondent herein and since the Deputy Inspector General of Prisons would be the competent authority to consider the petitioner's request, we are of the view that the petitioner could be granted liberty to make a fresh representation to the Deputy Inspector General of Prisons. Accordingly, the Deputy Inspector General of Prisons, Madurai is *suo motu* impleaded as a respondent in the present writ petition.



WP(MD)No.22210 of 2023

WEB COPY

4. In the light of the above observations, the petitioner is granted liberty to make a fresh representation to the newly impleaded 4th respondent/Deputy Inspector General of Prisons, Madurai herein seeking leave. On receipt of such a representation, the Deputy Inspector General of Police, Madurai, is directed to 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 such representation. 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, this Writ Petition stands disposed of.

(M.S.R.,J.) & (M.N.K.,J.)
19.09.2023

NCC : Yes / No
Index : Yes / No
RR



WP(MD)No.22210 of 2023

WEB COPY

To

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- 3.The Superintendent of Police,
Palayamkottai Central Prison
Tirunelveli District
- 4.The Deputy Inspector General of Prisons,
O/o.The Deputy Inspector General of Prison,
and Correctional Services,
Madurai Range, Madurai Central Prison campus,
New Jail Road, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



WP(MD)No.22210 of 2023

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AND
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RR

W.P.(MD)No.22210 of 2023

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