



WP(MD)No.22743 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.09.2023

CORAM

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

W.P.(MD)No.22743 of 2023

Y.Deivakani

... Petitioner

Vs.

1.The Secretary
Home Department, Beach Road,
St. George Fort, Chennai 600 009.

2.The Director General of Prison
Ansari Estate
Egmore,
Chennai 600 008.

3.The Superintendent of Prison,
Central Prison
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant parole/ordinary leave for a period of four weeks to the petitioner's son namely Ilango @ Ilangovan S/o.Yosanai (convict Prisoner CP No.1691) by considering the petitioner's representation dated 13.09.2023.



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For Petitioner : Mr.R.Selvam
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 13.09.2023 seeking to grant parole/ordinary leave for a period of four to the petitioner's son namely Ilango @ Ilangovan S/o.Yosanai (convict Prisoner CP No. 1691). 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 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



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consider the same within a stipulated time.

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3.In the light of the above observations, there shall be a direction to the first respondent to consider the petitioner's representation, dated 13.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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.

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

(M.S.R.,J.) & (M.N.K.,J.)
20.09.2023

NCC : Yes / No
Index : Yes / No
RR



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Madurai Bench of Madras High Court,
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