



WP(MD)No.23551 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.09.2023

CORAM

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

W.P.(MD)No.23551 of 2023

Gloriyamary

... Petitioner

Vs.

1.State of Tamil Nadu

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 8

3.The Deputy Inspector General of Prisons and Correctional Services,

Madurai Range
Madurai Central Prison campus,
New Jail Road,
Madurai 16

4.The Superintendent of Prison

Central Prison,
Madurai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to grant leave for the petitioner's father namely Prakasam (CP No.1860) son of Sebasthi Udaiyar aged 79 years who is confined at Madurai Central Prison.

For Petitioner : Mr.R.Venkatesan
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 22.09.2023 seeking leave to grant leave to her father, namely, Prakasam, S/o.Sebasti, (C.P.No.1860) aged 79 years, now confined at Madurai 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,



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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.In the light of the above observations, there shall be a direction to the respondents herein to consider the petitioner's representation, dated 22.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of two 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.)
27.09.2023

NCC : Yes / No
Index : Yes / No
RR



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



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AND

M.NIRMAL KUMAR, J.

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