



WP(MD)No.23905 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.09.2023

CORAM

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

W.P.(MD)No.23905 of 2023

Alagu

... Petitioner

Vs.

1.The State of Tamilnadu
represented by the Principal Secretary to Government
Home, Prohibition & Excise Department
Fort St. George, Chennai 600 009.

2.The Director General,
Prison and Correctional Services,
State of Tamilnadu
No.6 Whannels Road, Egmore,
Chennai 600 008.

3.The Deputy Inspector General of prisons
Madurai Range,
A.A.Road, Arasaradi
Madurai 625 016

4.The Superintendent of Prison,
Madurai Special Prison for Women,
Madurai District

... 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 21 days ordinary leave to the petitioner's wife by name Alagammal wife of Alagu, confined at Madurai Special Prison, for Women to repair their house and to divide the family property to their legal heirs and for the better treatment to his wife in private hospital in pursuance of Rule 22 of Tamilnadu Suspension of Sentence Rules, 1982 or on the basis of G.O.Ms.No.205 Home (Prison V) Department dated 25.04.2022 by considering the representation submitted to the respondents dated 12.09.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
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 12.09.2023 seeking ordinary leave to his wife, viz., Alagammal, W/o.Alagu, who is a life convict confined at Central Prison, Trichy. Since the said representation was not considered, the present Writ Petition has been filed.



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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.In the light of the above observations, there shall be a direction to the third respondent herein to consider the petitioner's representation, dated 12.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of one week 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.



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

(M.S.R.,J.) & (M.N.K.,J.)
29.09.2023

NCC : Yes / No

Index : Yes / No

RR

To

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2. The Director General,
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4. The Superintendent of Prison,
Madurai Special Prison for Women,
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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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