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W.P.No.7815 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.7815 of 2024

A.Yunuskhan

... Petitioner

Vs.

1.The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Fort St. George
Chennai 600 009

2.The Director General of Police &
Director General of Prisons and Correctional Service
Whannels Road, Ansari Estate,
Egmore, Chennai-600 008.

3.The Superintendent of Prisons
Central Prison - I
Puzhal, Chennai 600 066

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the respondents
to consider the representation of the petitioner dated 06.03.2024 and



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release the petitioner's brother namely Akramkhan, S/o.Ayubkhan, aged 51 years, now confined in the Central Prison-I, Puzhal, Chennai, under Rule 341(3) of the Tamil Nadu Prison Rules 1983 (Advisory Board Scheme).

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
and
SUNDER MOHAN, J.

The petitioner herein, who is the brother of the life convict, has come forward with this Writ Petition seeking for a direction, to direct the respondents to consider the representation of the petitioner dated 06.03.2024 and release the petitioner's brother namely Akramkhan, S/o.Ayubkhan, aged 51 years, now confined in the Central Prison-I, Puzhal, Chennai, under Rule 341(3) of the Tamil Nadu Prison Rules 1983 (Advisory Board Scheme).



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2. The learned counsel for the petitioner submitted that the petitioner's brother was arrested in Crime No.1804 of 2001 for the offence under Section 395 IPC and convicted in S.C.No.613 of 2005 and sentenced to rigorous imprisonment for five years. He added that the appeal filed by him in CrI.A.No.260 of 2008 before this Court was dismissed on 19.12.2019 and he is presently confined in Central Prison-I, Puzhal, Chennai. Since the brother of the petitioner is affected from skin disease and HIV, his right side of the body is not functioning. The prisoner's son is also a cancer patient. Therefore, the petitioner made a representation to the respondents on 06.03.2024 to release his brother prematurely under Rule 341 (3) of Tamil Nadu Prison Rules 1983 (Advisory Board Scheme). Since, the representation of the petitioner has not been considered by the respondents till now, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. It is needless to point out that whenever a representation of this



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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.

5. In view of the above observation, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 06.03.2024, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

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



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No costs.

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[M.S.R., J] [S.M., J]
23.07.2024

kas

Index : Yes / No

Neutral Citation

To

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2.The Director General of Police &
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4.The Public Prosecutor
High Court of Madras
Chennai 600 104



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