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W.P.No.9280 of 2024

[IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.9280 of 2024

A.Saranya

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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

3.The Deputy Inspector General of Prisons,
Vellore Range,
Vellore 632 002.

4.The Superintendent of Prison,
Special Prison for Women,
Vellore – 632 002.

5.Tmt.Anitha
Assistant Jailer,
Special Prison for Women,
Vellore – 632 002.



W.P.No.9280 of 2024

6.Tmt.Sudha,
Warder,
Special Prison for Women,
Vellore – 632 002.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 4 to consider the representation dated 21.3.2024 made by the petitioner and decide the same in accordance with law within a reasonable time as may be fixed by the Hon'ble Court.

For Petitioner	: Mr.K.Sakthivel
For Respondents	: Mr.E.Raj Thilak, Additional Public Prosecutor assisted by Mr.C. Aravind

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner, who is the daughter of Mythili W/o Saravanan, now confined in the Special Prison for Women, Vellore, has come forward with this writ petition to direct the respondents 1 to 4 to consider the petitioner's representation dated 21.03.2024.

2.The petitioner states that her mother was confined in Special Prison for Women, Vellore in connection with C.C.No.486/2023 which is pending



W.P.No.9280 of 2024

trial before the learned Judicial Magistrate Court No.2, Thiruvannamalai.

The petitioner further states that the respondents 5 and 6 are harassing her mother inside the jail and that her mother's life is threatened by the respondents 5 and 6. Therefore, she made a representation dated 21.03.2024 to the respondents 1 to 4 requesting them to save her mother's life. Since the same has not been considered till date, she has come forward with this writ petition.

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 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



W.P.No.9280 of 2024

within a stipulated time.

WEB COPY

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 21.03.2024, after giving due opportunity of hearing to the respondents 5 and 6 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. No costs.

[M.S.R., J]

[S.M., J]

05.04.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Tsg



W.P.No.9280 of 2024

WEB COPY

To

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- 3.The Deputy Inspector General of Prisons,
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- 4.The Superintendent of Prison,
Special Prison for Women,
Vellore – 632 002.
- 5.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.9280 of 2024

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

Tsg

W.P.No.9280 of 2024

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