



WEB COPY



W.P.No.9596 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.9596 of 2024

Ayyappan

... Petitioner

Vs.

1.The State represented by its,
Home Secretary (Prison-IV),
Home Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District – 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 petitioner's wife's representation dated 11.03.2024 within time



W.P.No.9596 of 2024

limit and consequently direct the respondents to release the petitioner/convict prisoner namely Mr.S.Ayyappan, S/o.Srirangathevar, who is confining at Central Prison, Puzhal-I, who is a 3rd respondent herein.

For Petitioner : Mr.M.Mohamed Saifulla

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's wife has given a representation dated 11.03.2024 to the respondents, seeking for inclusion of the petitioner's name in the beneficiary list and to extend the benefit of G.O.Ms.No.488 dated 15.11.2021. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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



W.P.No.9596 of 2024

WEB COPY

3. 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 them 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.

4. In view of the above observation, this Court, without going into the merits of the petitioner's wife'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's wife dated 11.03.2024, seeking to include the name of the petitioner in the beneficiary list and to extend the benefit of G.O.Ms.No.488 dated 15.11.2021, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order and communicate the same to the petitioner.



W.P.No.9596 of 2024

5. With the above direction, this Writ Petition stands disposed of. No costs.

WEB COPY

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

03.06.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

Sni



W.P.No.9596 of 2024

WEB COPY

To

1.The Home Secretary (Prison-IV),
Home Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Puzhal-I,
Thiruvallur District – 600 066.

4.The Public Prosecutor,
High Court,
Madras.



WEB COPY



W.P.No.9596 of 2024

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

Sni

W.P.No.9596 of 2024

03.06.2024