



W.P.No.11955 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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K.Shanmugam

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Chennai – 600 009.

2.The Director General of Prison and
Director General of Police,
Whannels Road, Ansari Estate,
Egmore, Chennai.

3.The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore District.

4.The Superintendent,
Central Prison,
Coimbatore.

5.The Inspector of Police,
Tirupathur Taluk Police Station,
Tirupathur District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 3rd respondent to grant one month ordinary leave to the petitioner's son namely Rajan, S/o.Shanmugam, Life Convict Prisoner, now confined in Central Prison, Coimbatore.

For Petitioner : Mr.A.Saranraj

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 son was convicted for the offences under Sections 341, 302 and 3(1)(r) and 3(2)(v) of SC/ST (POA) Act 1989 r/w. Section 302 of IPC vide order dated 04.07.2017. Aggrieved against the said order, the petitioner has filed an appeal before the Division Bench of this Court and the same was dismissed. The petitioner further states that he is suffering from high blood pressure, diabetes and heart ailment for which the doctor has advised heart operation and that the petitioner needs his son's presence to mobilize finance for the medical expenses. The petitioner has given a representation dated 28.03.2024 to the respondents, seeking to



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grant leave to his son. 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.

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 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.

4. 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



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respondents to consider the representation of the petitioner's dated 28.03.2024, seeking to grant leave to his son, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

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

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

30.04.2024

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

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To

1.The Secretary to Government of Tamil Nadu,
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2.The Director General of Prison and
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Whannels Road, Ansari Estate,
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3.The Deputy Inspector General of Prison,
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4.The Superintendent,
Central Prison,
Coimbatore.

5.The Inspector of Police,
Tirupathur Taluk Police Station,
Tirupathur District.

6.The Public Prosecutor,
High Court,
Madras.



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and
SUNDER MOHAN, J.

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