



W.P.No.10252 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.10252 of 2024

R.Saraswathy

... Petitioner

Vs.

The Superintendent of Prison,
Central Prison, Salem,
Hasthampatti, Salem – 636 007.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing to grant 6 days an emergency leave to the husband of the petitioner/convict namely D.Radha Krishnan, S/o.Duraisamy, Life Convict Prisoner, (CT No.0631) aged about 53 years, now confined in Salem Central Prison.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondent : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER



W.P.No.10252 of 2024

WEB COPY

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

The petitioner herein, who is the wife of the life convict, has come forward with this Writ Petition seeking for 6 days emergency leave for her husband.

2. The petitioner states that her husband was convicted for the offence under Sections 341 and 302 IPC and was sentenced to undergo life imprisonment by the learned 1st Additional Sessions Judge, Salem in S.C.No.206 of 2010 on 31.08.2015. Aggrieved against the said order, the petitioner's husband has filed CrI.A.No.635 of 2015 and the same came to be dismissed by this Court on 02.02.2016. Aggrieved against the order of the High Court, the petitioner's husband has preferred SLP (CrI) No.7140 of 2017 before the Apex Court and the same was also dismissed. The petitioner further states that both the petitioner, as well as the life convict are suffering from various ailments for which, they need to take proper treatment and that the financial condition of the petitioner is not good and that the life convict's presence is essential to meet out the aforesaid purposes. The petitioner has given a representation dated 18.03.2024



W.P.No.10252 of 2024

seeking emergency leave for her husband for 6 days. Since the same has not been considered till date, the petitioner 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 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



W.P.No.10252 of 2024

WEB COPY

petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 18.03.2024, seeking to grant 6 days emergency leave to the life convict, 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.

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

No costs.

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

16.04.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Sni



W.P.No.10252 of 2024

WEB COPY

To

1.The Superintendent of Prison,
Central Prison, Salem,
Hasthampatti,
Salem – 636 007.

2.The Public Prosecutor,
High Court,
Madras.



WEB COPY



W.P.No.10252 of 2024

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

Sni

W.P.No.10252 of 2024

16.04.2024