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W.P.No.11687 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

W.P.No.11687 of 2024

Shanthi

... Petitioner

Vs.

1.The Additional Director General of Prison,
No.1, Gandhi Irwin Salai,
Egmore, Chennai – 600 008.

2.Deputy Inspector General of Prisons,
Chennai Range, Whannels Road,
Egmore, Chennai – 600 008.

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

... 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 grant 30 days ordinary leave without escort by considering the representation of the petitioner dated 02.04.2024 to petitioner's son Deena



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@ Dinesh, S/o.Balan, (Male/32 years) (Prisoner No.4753) who is now confined in Central Prison – 1, Puzhal, Chennai.

For Petitioner : Mr.D.Prasanna Kumar

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 offence under Sections 148 & 302 r/w.149 of IPC and was sentenced to undergo life imprisonment and the petitioner's son has undergone 8 years of imprisonment. The petitioner states that she is suffering from a kidney disease, for which, she needs her son's presence to arrange medical expenses and for taking care of her. Citing the said ground, the petitioner had given a representation to the respondents 1, 4 & 5, seeking for 30 days parole for her son. Since she did not receive any reply from the respondents, she filed WP.No.32423 of 2023 to consider her representation. This Court vide order dated 16.11.2023, directed the respondents to consider the petitioner's representation within a period of three weeks. Thereafter, the respondent



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authority informed the petitioner that her son will be granted leave only with escort. Since the petitioner's financial condition is not good, she has once again given a representation to the respondents on 03.04.2024, seeking 30 days ordinary leave without escort. 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.



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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 respondents to consider the representation of the petitioner dated 03.04.2024, seeking to grant 30 days ordinary leave without escort for her 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

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3.The Superintendent of Prison,
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4.The Public Prosecutor,
High Court,
Madras.



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

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