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W.P.No.11733 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.11733 of 2024

S.Kalarani

... Petitioner

Vs.

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

2.The Deputy Inspector General of Prison,
Vellore Range, Vellore – 2.

3.The Superintendent of Prison,
Central Prison, Cuddalore – 4.

... 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 representation of the petitioner dated 10.04.2024 and grant 30 days ordinary leave to the petitioner's husband namely Mr.Apple (a) Sivaraman, S/o.Jeganathan, aged about 45 years, Ct.No.14615, now confined in the Central Prison, Cuddalore.



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W.P.No.11733 of 2024

For Petitioner : Mr.P.Pugalenth
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 husband was convicted for the offences under Section 302 and was sentenced to undergo life imprisonment and under Section 392 r/w.397, he was sentenced to undergo 7 years rigorous imprisonment. The petitioner's husband has already undergone 12 years of imprisonment. The petitioner states that her elder son has completed 12th standard and younger son has completed 10th standard and therefore, she needs her husband's presence to arrange the educational expenses for her children. Citing the said ground, the petitioner had given a representation dated 10.04.2024 to the respondents, seeking for grant of 30 days leave for her husband. Since the said representation has not been considered till date, the present Writ Petition has been filed.



W.P.No.11733 of 2024

WEB COPY

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 respondents to consider the representation of the petitioner dated 10.04.2024, seeking to grant 30 days ordinary leave for her husband, if not



W.P.No.11733 of 2024

WEB COPY

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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W.P.No.11733 of 2024

WEB COPY

To

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

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 2.

3.The Superintendent of Prison,
Central Prison,
Cuddalore – 4.

4.The Public Prosecutor,
High Court,
Madras.



WEB COPY



W.P.No.11733 of 2024

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

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W.P.No.11733 of 2024

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