



WEB COPY



W.P.No.12154 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.12154 of 2024

Vijayalechumi Gopalapillai

... Petitioner

Vs.

1.The Principal Secretary to the Government,
Government of Tamil Nadu,
Department of Home Secretariat,
Chennai.

2.The Director General of Police,
O/o.Director General of Prison,
Whannels Road, Egmore,
Chennai.

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

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, to direct the respondents



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1 to 3 to sanctioned A-Class prison and Special Interview speciality, Medical treatment at the outer hospital at Chennai to the under trial prisoner namely Pushparaja @ Poongunti Kanna (R.P.No.92529/2022) in pursuant to petitioner's representation dated 08.04.2024.

For Petitioner : Mr.P.Muthamizhselvakumar

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

ORDER

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

The petitioner herein, who is the mother-in-law of the remand prisoner, has come forward with this Writ Petition seeking A-Class prison facility, special interview accommodations and medical treatment for the prisoner at an external hospital in Chennai.

2. The petitioner states that her son-in-law was remanded for the offence under Sections 120(b) IPC and Sections 18, 20, 38, 39 and 40 of Unlawful Activities Act and 8(c), 21(c), 23, 24, 27-A, 28 and 29 of



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NDPS Act, 1985 by the Bomb Blast Court, Poonamalle, Chennai. Further, he was remanded by the learned Judicial Magistrate-I, Chengalpattu on 06.02.2023 in connection with Crime No.01 of 2020 of Kancheepuram "Q" Branch Police Station under Sections 420, 465, 468, 471, 353, 405(ii) and 34 IPC; 14A(B) of Foreigners Act and 12(1)(C) of Passport Act. The petitioner further states that her son-in-law is suffering from Rheumatoid Arthritis and he was not provided with necessary treatment in the prison. Therefore, the petitioner wants her son-in-law to be provided with an A-Class prison facility as he is of foreign nationality and eligible for privileges. Therefore, she made a representation dated 08.04.2024 before the respondents. 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



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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 petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 08.04.2024, seeking A-Class Prison, special interview accommodations and medical treatment at an external hospital in Chennai, to the remand prisoner, 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.



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

No costs.

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

10.06.2024

Index: Yes/No

Speaking/Non-speaking order

Anu

Note: Issue order copy on 13. 06.2024



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

Anu

To

1.The Principal Secretary to the Government,
Government of Tamil Nadu,
Department of Home Secretariat,
Chennai.

2.The Director General of Police,
O/o.Director General of Prison,
Whannals Road, Egmore,
Chennai.

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

4.The Public Prosecutor,
High Court,
Madras.

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