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W.P.No.12484 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.12484 of 2024

Radha

... Petitioner

Vs.

1.The State rep. by its,
Deputy Inspector General of Prisons,
Egmore, Chennai – 600 008.

2.The Superintendent of Central Prison,
Special Prison for Women (Conviction),
Coimbatore, Coimbatore District.

3.The Deputy Jailor of Prison,
Special Prison for Women (conviction),
Salem, Salem District.

... 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 ordinary leave without escort to the petitioner's mother Rani, W/o.Munusamy, Convict No.1067, confined in Special Prison for Women, Salem, to secure the ends of justice.



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For Petitioner : Mr.C.Deepak 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 mother was convicted for the offences under Sections 366, 376(1) of IPC and 4(1), 5(1)(c) of the Immoral Traffic (Prevention) Act, 1956 and was sentenced to undergo 10 years imprisonment by the learned Mahila Sessions Judge, Salem. Aggrieved against the said order, the petitioner's mother has preferred an appeal and the same was dismissed on 16.04.2021. The petitioner states that her sister is suffering with mental health issue and since the petitioner is married and having a school going child, she is unable to manage her family and her sister's medical expenses. With regard to the same, the petitioner has given a representation to the respondents on 18.03.2024, seeking to grant leave to her mother. Since the said representation has not been considered till date, the present Writ Petition has been filed.



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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's dated 18.03.2024, seeking to grant leave to her mother, if not already disposed of



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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 Deputy Inspector General of Prisons,
Egmore,
Chennai – 600 008.

2.The Superintendent of Central Prison,
Special Prison for Women (Conviction),
Coimbatore,
Coimbatore District.

3.The Deputy Jailor of Prison,
Special Prison for Women (conviction),
Salem, Salem District.

4.The Public Prosecutor,
High Court,
Madras.



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

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