



WEB COPY



W.P.No.12503 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.12503 of 2024

Sivagami

... Petitioner

Vs.

The State represented by its,

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Vellore Zone,
Vellore – 632 001.

3.The Superintendent,
Vellore Central Prison,
Vellore – 632 001.

... 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 for 30 days without escort to the detenu, Sivaraj,



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S/o.Muniyappan, aged about 50 years, convict prisoner, bearing Convict No.2835 at Central Prison, Vellore.

For Petitioner : Mr.M.Ezhilarasu

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 states that her brother was convicted for the offences under Section 376 of IPC and was sentenced to undergo life imprisonment for (4) count; for the offence under Section 66(E) of Information Technology Act, he was sentenced to undergo 2 years of imprisonment for (4) count and under Section 67(A) of Information Technology Act, he was imposed with a fine of Rs.1000/- and 3 years of simple imprisonment by the learned Sessions Judge, Fast Track Magalir Neethimandram, Dharmapuri in S.C.No.109 of 2015 dated 19.02.2021. The petitioner further states that there are several lands which are in a joint property and that the property has to be partitioned among the petitioner and her brother as their parents died. The petitioner also states that his brother's wife and



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son are living separately and they have to give alimony to them and that they have to repay the debts to the borrowers. For all these reasons, the petitioner needs the presence of her brother/prisoner. The petitioner has also given a representation dated 03.04.2024 to the respondents, seeking to grant leave to her brother. 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's dated 03.04.2024, seeking to grant leave to her brother/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.

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 Secretary to Government of Tamil Nadu,
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Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Vellore Zone,
Vellore – 632 001.

3.The Superintendent,
Vellore Central Prison,
Vellore – 632 001.

4.The Public Prosecutor,
High Court,
Madras.



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and
SUNDER MOHAN, J.

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