



WEB COPY



W.P.No.12200 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.12200 of 2024

S.Dhanukka Roshan

... Petitioner

Vs.

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

2.The Superintendent of Police,
Central Prison – Puzhal – II,
Puzhal, 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 permit the petitioner to interview to his counsel Mr.Sathish Chendran (9840170981) and Mr.G.Ajithkumar (8124026793) through phone conversation or video call in pursuant to the petitioner counsel representation dated 20.04.2024.

For Petitioner

: Mr.P.Muthamizhselvakumar



WEB COPY



W.P.No.12200 of 2024

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 his nationality is Srilankan and he was secured by the National Investigation Agency for the charges of Arms trafficking and that his case is pending before the learned Special Court for Bomb Blast at Poonamallee in Spl.S.C.No.03 of 2023. The petitioner further states that in order to communicate with the counsels for defending his case, he has not been permitted to interview himself through phone call or video call by the respondents. Seeking for the same relief, the petitioner's Advocate has given a representation dated 20.04.2024 to the respondents. 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.



W.P.No.12200 of 2024

WEB COPY

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 Advocate'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 Advocate dated 20.04.2024, seeking for permission to the petitioner to make phone call or video call to his counsels, 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.



W.P.No.12200 of 2024

WEB COPY

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

Sni



W.P.No.12200 of 2024

WEB COPY

To

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

2.The Superintendent of Police,
Central Prison – Puzhal – II,
Puzhal, Chennai.

3.The Public Prosecutor,
High Court,
Madras.



WEB COPY



W.P.No.12200 of 2024

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

Sni

W.P.No.12200 of 2024

30.04.2024