



W.P.No.12258 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.12258 of 2024

Tamilarasi

... Petitioner

Vs.

1.The Government of Tamilnadu,
Represented by its Secretary,
Home Department,
Fort St.George,
Chennai-600 009.

2.The Director General of Prisons and
Correctional Services,
Whannels Road, Ansari Estate,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Jail,
Tiruchi-20.

4.The Inspector of Police,
Irumpulikurichi Police Station,
Ariyalur District.

... 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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2 and 3 herein to grant 1 month parole leave to the petitioner's husband, Mr.Rajadurai, son of Manickam, Prisoner No.23943 lodged in Trichy Central Prison by considering the representation of the petitioner dated 15.04.2024.

For Petitioner : Mr.R.Jayaprakash

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 wife of the life convict, has come forward with this Writ Petition seeking for 6 days emergency leave for her husband.

2. The petitioner states that her husband was convicted and sentenced to undergo imprisonment for a period of 7 years for the offence under Section 10 of the Protection of Children from Sexual Offences Act, 2012 and 506 (ii) of Indian Penal Code, 1860 and Section 4(1) (w) (i), 4(2) (va) of SC/ST (PoA) Amendment Ordinance, 2015 vide order 09.11.2021 made in Spl.C.C.No.49 of 2019. Aggrieved by the said order, the petitioner's husband preferred Crl.A.No.669 of 2021 before this Court



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and the same came to be dismissed on 03.11.2022. The petitioner further states that she has medical ailments, and their son's marriage is going to be held on 26.05.2024, for which, she requires the presence of her husband. Therefore, she made a representation dated 15.04.2024 before the respondents 1 and 2. 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 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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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 15.04.2024, seeking to grant one month parole leave to the convict 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.

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

No costs.

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

29.04.2024

Index: Yes/No

Speaking/Non-speaking order

Anu

Note: Issue order copy on 30.04.2024



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To

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5.The Public Prosecutor,
High Court,
Madras.



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and
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