



WEB COPY



W.P.No.13258 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.13258 of 2024
and W.M.P.No.14400 of 2024

M.Sengaiammal

... Petitioner

Vs.

1.The Director General of Police &
Director General of Prison and Correctional Service,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison,
Coimbatore -18.

3.The Superintendent of Prison,
Central Prison,
Madurai – 625 016.

... 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 consider the representation dated 02.05.2024 made by the petitioner and transfer the petitioner's son namely Dineshkumar, S/o.Muthupandi, aged 23



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years, remand prisoner, now confined in the Central Prison, Coimbatore to the Central Prison, Madurai.

For Petitioner : Mr.P.Pugalenth

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 has given a representation dated 02.05.2024 to the respondents, requesting them to transfer her son from the Central Prison, Coimbatore to the Central Prison, Madurai. 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 them 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-



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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 dated 02.05.2024, requesting to transfer her son from the Central Prison, Coimbatore to the Central Prison, Madurai, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of four (4) 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]

07.06.2024

Index: Yes/No

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

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To

1.The Director General of Police &
Director General of Prison and Correctional Service,
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2.The Superintendent of Prison,
Central Prison,
Coimbatore -18.

3.The Superintendent of Prison,
Central Prison,
Madurai – 625 016.

4.The Public Prosecutor,
High Court,
Madras.

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