



W.P.No.14909 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

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P.V.Reddy

... Petitioner

Vs.

1.The State rep. by its
The Home Secretary to Government
Prison Department
Secretariat
Chennai 600 009

2.The Director General of Prison
No.02, Whannels Road
Egmore
Chennai-600 008.

3.The Superintendent of Prison
Central Prison at Puzhal-I
Thiruvallur District -066

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to grant 30 days ordinary leave without escort to the petitioner / convict



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prisoner namely Mr.P.V.Reddy, S/o.Venkata Reddy, who is confining in 3rd respondent by considering petitioner's wife representation dated 13.05.2024.

For Petitioner : Mr.Mohamed Saifulla
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's wife, has given a representation dated 13.05.2024 to the respondents herein seeking 30 days ordinary leave for her husband.

2. In the representation it is stated that the petitioner was convicted and sentenced to undergo Rigorous Imprisonment for a period of 3 years in connection with a case registered by the Central Bureau of Investigation in 2008 in C.C.No.02 of 2009. Aggrieved by the said order, appeals were preferred before the High Court and the Hon'ble Supreme Court and they were also. Since their daughter has attained the age of marriage, seeking an ordinary leave of 30 days to find a suitable



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bridegroom for their daughter and for making financial arrangement for their livelihood, the petitioner's wife has given a representation dated 13.05.2024 to the respondents. Since the same has not been considered till date, the petitioner has come forward with the present 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.

5. In view of the above observation, this Court, without going into



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the merits of the 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 wife dated 13.05.2024, seeking 30 days 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 four (4) 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]

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Index: Yes/No
Neutral Citation

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To

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3.The Superintendent of Prison
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4.The Public Prosecutor,
High Court,
Madras.



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