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W.P.No.16724 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM :

**THE HONOURABLE MR. JUSTICE M.S. RAMESH**

**AND**

**THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

W.P.No.16724 of 2024

Sowntherya

... Petitioner/wife of the detenue

***Vs.***

The State represented by its,  
1.The Deputy Inspector General of Prison,  
Coimbatore Range,  
Coimbatore-641 018.

2.The Superintendent,  
Central Prison,  
Salem.

... 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 emergency leave for 15 days, without escort to the detenue, Ramdeepak, S/o.Madhes, aged about 35 years, convict prisoner, bearing Convict No.836 confined at Central Prison, Salem.



W.P.No.16724 of 2024

WEB COPY

For Petitioner : Mr.S.Pandiyan

For Respondent : Mr.A.Gokulakrishnan  
Additional Public Prosecutor

### **ORDER**

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

The petitioner herein is the wife of the convict prisoner viz., Ramdeepak, S/o.Madhes, aged about 35 years, convict prisoner, bearing Convict No.836, confined at Central Prison, Salem. The petitioner states that her mother-in-law is suffering from myocardial infarction and immediately required to be admitted in the hospital, for which she requires the presence of her husband. Therefore, she made a representation dated 29.05.2024 before the respondents seeking ordinary leave for a period of 15 days, without escort. However, the same has not been considered till date, the petitioner has come forward with this Writ Petition.



W.P.No.16724 of 2024

WEB COPY

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.

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 29.05.2024, seeking ordinary leave for a period of 15 days, without escort, if not already disposed of and pass appropriate orders on merits



W.P.No.16724 of 2024

WEB COPY

and in accordance with law, within a period of one (1) week 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]

16.07.2024

Index: Yes/No

Speaking/Non-speaking order

**Anu**

To

1.The Deputy Inspector General of Prison,  
Coimbatore Range,  
Coimbatore-641 018.

2.The Superintendent,  
Central Prison,  
Salem.

3.The Public Prosecutor,  
High Court,  
Madras.



WEB COPY



W.P.No.16724 of 2024



WEB COPY



W.P.No.16724 of 2024

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

*Anu*

W.P.No.16724 of 2024

16.07.2024