



W.P.No.17606 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2024

CORAM :

**THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN**

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S.S.Megala

.. Petitioner

Versus

1. The Director General of Police /
Director General of Prisons and
Correctional Service,
Whannels Road,
Egmore, Chennai - 600 008.
2. The Superintendent of Prison,
Central Prison,
Salem.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 600 066.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India,
praying for issuance of a Writ of Mandamus, directing the respondents to
consider the representation, dated 26.03.2024 and to keep his brother
permanently in Puzhal prison until his release namely S.Shajin, S/o.Selvaraj,



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aged about 40 years, OJCT No.2023, Convict prisoner, now in Central
Prison - 1, Puzhal, Chennai.

For Petitioner : M/s.S.Nadhiya

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.

and

SUNDER MOHAN, J.

The petitioner herein, who is the sister of the life convict, has come forward with this Writ Petition seeking to consider her representation, dated 26.03.2024.

2. The petitioner states that her brother was convicted and sentenced to undergo imprisonment for life and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for one year for offence under Section 449 of I.P.C and to undergo imprisonment for life and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for one year for offence under Section 302 of I.P.C vide order 10.12.2011. Aggrieved by the said order, the petitioner's brother preferred Crl.A.(MD).No.149 of 2011 before the Madurai Bench of this Court and on 17.12.2012, the conviction



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under Section 449 of I.P.C is confirmed, but, the sentence was modified as one of rigorous imprisonment for 10 years besides a fine of Rs.10,000/-, in default, to undergo rigorous imprisonment for one year. The sentence imposed for the offence under Section 302 of I.P.C is confirmed and sentenced to life imprisonment.

3. The petitioner further states that she is residing in Chennai and it is very difficult for her to meet his brother who is in Central Prison, Salem. Therefore, she made a representation, dated 22.08.2023. Since the same was not considered, she filed a Writ Petition in W.P.No.30307 of 2023 before this Court and on 19.10.2023, this Court ordered to consider the said representation within a period of four weeks. After that, his brother was transferred from Salem prison to Puzhal prison, but, again, she came to know that her brother is going to be transferred from Puzhal prison to Salem prison. Therefore, she made a representation to the respondents on 26.03.2024 to keep her brother permanently in Puzhal Prison - 1. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.



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4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. 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.

6. 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 26.03.2024, seeking to keep her brother permanently in Central Prison, Puzhal, if not already disposed of and pass appropriate orders on merits and in accordance with



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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.

7. With the above direction, this Writ Petition stands disposed of. No costs.

[M.S.R., J] [S.M., J]
04.07.2024

Index : yes/no
Speaking order/Non-speaking order
Neutral Citation : yes/no
grs

To

1. The Director General of Police /
Director General of Prisons and
Correctional Service,
Whannels Road,
Egmore, Chennai - 600 008.
2. The Superintendent of Prison,
Central Prison,
Salem.
3. The Superintendent of Prison,
Central Prison,
Puzhal, Chennai - 600 066.
4. The Public Prosecutor,
High Court of Madras.



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AND
SUNDER MOHAN, J.**

grs

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