



WEB COPY



W.P.No.17539 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.17539 of 2024

Alamelu

... Petitioner

Vs.

The State rep. by its

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.

2.The Additional Director General of Prison,
Egmore,
Chennai – 600 008.

3.The Superintendent,
Central Prison,
Salem – 636 007.

4.The Superintendent,
Central Prison,
Puzhal.

... 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



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transfer the detenu Harikrishnan, S/o.Seenivasan, aged 40 years, Convict Prisoner, Convict No.7304 from Central Prison, Salem to Central Prison, Puzhal at Chennai permanently.

For Petitioner : Mr.S.Pandiyan

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

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner has given a representation dated 22.04.2024 to the respondents, requesting them to transfer her son from Central Prison, Salem to Central Prison, Puzhal at Chennai. 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-consideration of the representation by the Statutory Authority would amount



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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 22.04.2024, requesting to transfer her son from Central Prison, Salem to Central Prison, Puzhal at Chennai, 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]

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Index: Yes/No

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

Sni

To

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George, Chennai – 600 009.

2.The Additional Director General of Prison,
Egmore, Chennai – 600 008.

3.The Superintendent,
Central Prison,
Salem – 636 007.

4.The Superintendent,
Central Prison,
Puzhal.

5.The Public Prosecutor,
High Court, Madras.

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