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W.P.No.20821 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.20821 of 2024

Jayalakshmi

Vs.

... Petitioner

1.The Additional Chief Secretary,
O/o.Additional Chief Secretary,
Tamilnadu, Chief Secretary,
Chennai District.

2.The Director General of Prison,
O/o. of Director General of Prison,
Whanells Road, Egmore,
Chennai District-600 008.

3.The Superintendent of Prison,
Special Women Central Prison,
Gandhi Market,
Trichy District.

4.The Superintendent of Prison,
Central Women Prison Puzhal,
Chennai District.

5.The Inspector of Police,



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P-6 Kodungaiyur Police Station,
Chennai-118.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents 1 and 2 to transfer the petitioner's daughter under trial prisoner Dharani, W/o.Chandrasekar, aged about 26 years from the third respondent prison to 4th respondent prison in pursuant to her representation dated 20.06.2024.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

The petitioner herein is the mother of the convict prisoner viz., Dharani, W/o.Chandrasekar, aged 26 years, confined at Special Women Central Prison, Trichy District. Since the petitioner along with her grandson who is aged 1 ½ years, could not travel from Trichy to Chennai which is about 750 KM (up and down) to visit the prisoner, the petitioner made a representation dated 20.06.2024 to the respondents seeking to transfer the prisoner from Special Women Central Prison, Trichy District



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to Central Women Prison Puzhal, Chennai District. However, the same has not been considered till date, the petitioner has come forward with this Writ Petition.

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



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petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 20.06.2024, seeking for transfer of the prisoner from third respondent prison to fourth respondent prison, 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

Speaking/Non-speaking order

Anu

To

1.The Additional Chief Secretary,



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O/o.Additional Chief Secretary,
Tamilnadu, Chief Secretary,
Chennai District.

2.The Director General of Prison,
O/o. of Director General of Prison,
Whanells Road, Egmore,
Chennai District-600 008.

3.The Superintendent of Prison,
Special Women Central Prison,
Gandhi Market,
Trichy District.

4.The Superintendent of Prison,
Central Women Prison Puzhal,
Chennai District.

5.The Inspector of Police,
P-6 Kodungaiyur Police Station,
Chennai-118.

6.The Public Prosecutor,
High Court,
Madras.

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

Anu



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