



WEB COPY



W.P.No.20869 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

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Priyanka

... Petitioner

Vs.

1.The Director General of Prison,
O/o.Director General of Prison,
Whannels Road, Egmore,
Chennai.

2.The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.

3.The Superintendent of Prison,
Special Sub-Jail, Poonthamallee,
Ponnamallee, Chennai.

4.The Inspector of Police,
F-1, Chindaripet Police Station,
Chennai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, to direct the first
respondent to transfer the petitioner's husband namely Pradeep,



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S/o.Mohan @ Darga Mohan from the third respondent prison to the second respondent prison and further direct the respondents 1 to 3 to provide the treatment of petitioner's husband in the outer hospital at Chennai in pursuant to the petitioner's representation dated 10.07.2024.

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 wife of the convict prisoner confined at Special Sub Jail, Poonthamallee, Chennai. Since the petitioner's husband was injured and had undergone major surgeries and he was not given proper treatment in the prison, the petitioner made a representation dated 10.07.2024 to the respondents seeking to transfer of her husband from the Special Sub Jail Poonthamallee, Chennai to Central prison Puzhal-II, Chennai. 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.



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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 10.07.2024, seeking for transfer of the prisoner from third respondent prison to second 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



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communicate the same to the petitioner.

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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 Director General of Prison,
O/o.Director General of Prison,
Whannels Road, Egmore,
Chennai.

2.The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.

3.The Superintendent of Prison,
Special Sub-Jail, Poonthamallee,
Ponnamallee, Chennai.

4.The Inspector of Police,
F-1, Chindaripet Police Station,
Chennai.

5.The Public Prosecutor,



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High Court,
Madras.

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

Anu



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