



WEB COPY



W.P.No.21949 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.08.2024

CORAM :

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

W.P.No.21949 of 2024

K.Kamala

.. Petitioner

Versus

1. The Principal Secretary to the Government,
Government of Tamilnadu,
Home Department,
Fort St. George, Chennai - 600 009.
 2. The Director General of Police,
O/o.Director General of Prison,
Whannals Road, Egmore, Chennai.
 3. The Superintendent of Prison,
Central Prison, Coimbatore.
 4. The Dean,
Coimbatore Government Hospital,
Coimbatore.
- .. 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 provide necessary and proper treatment to the petitioner's husband K.Karuppannan, S/o.Kullakaali, Coimbatore Central Jail Prisoner No.25253 by admitting him as inpatient in 4th respondent's convict ward.



W.P.No.21949 of 2024

WEB COPY

For Petitioner : Mr.M.Sridhar

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

ORDER

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

The petitioner herein, who is the wife of the convict, has come forward with this Writ Petition seeking for a direction to the respondents to provide necessary and proper treatment to her husband namely K.Karuppannan, S/o.Kullakaali, Coimbatore Central Jail Prisoner No.25253 by admitting him as inpatient in the fourth respondent's ward.

2. The petitioner states that her husband was convicted and sentenced to undergo six years Rigorous Imprisonment and to pay a fine of Rs.2,000/- for the offence under Section 5(m) r/w 6 of POCSO Act, 2016 and in default, to undergo six months Simple Imprisonment for the offence under Section 9(m) of POCSO Act by the learned Sessions Judge, Magalir Neethimandram (Fast Track Mahila Court), Namakkal in Spl.C.C.No.1 of 2019 on 29.11.2023. The petitioner further states that her husband is



W.P.No.21949 of 2024

suffering from severe spinal issues including Diffuse Disc bulge at L-1 to L-5 which had affected his normal walking capacity. Therefore, she made a representation dated 31.05.2024 before the third respondent. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

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

4. 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.



W.P.No.21949 of 2024

WEB COPY

5. 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 31.05.2024, seeking to provide proper and necessary treatment to her husband, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

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

[M.S.R., J] [S.M., J]
02.08.2024

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

To

1. The Principal Secretary to the Government,
Government of Tamilnadu,
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Fort St. George, Chennai - 600 009.
2. The Director General of Police,



W.P.No.21949 of 2024

WEB COPY

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

3. The Superintendent of Prison,
Central Prison, Coimbatore.
4. The Dean,
Coimbatore Government Hospital,
Coimbatore.
5. The Public Prosecutor,
High Court of Madras.



WEB COPY



W.P.No.21949 of 2024

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

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W.P.No.21949 of 2024

02.08.2024