



WEB COPY

W.P.No.24700 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.24700 of 2024

K.Rama

... Petitioner

Vs.

1.The State represented by its
The Deputy Inspector General of Prison,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

2.The Superintendent,
Puzhal Central Prison-I,
Puzhal – 600 066.

... 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 grant ordinary leave for 30 days without escort to the detinue, Kasi Viswanathan S/o.Vengatachalam aged about 67 years bearing Convict No.2435 confined at Central prison, Puzhal.



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For Petitioner : Ms.S.Sadhana

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The writ of mandamus has been instituted to direct the respondents to grant ordinary leave for 30 days without escort to the detenue, Kasi Viswanathan S/o.Vengatachalam aged about 67 years bearing Convict No.2435 confined at Central prison, Puzhal.

2. The petitioner herein is the wife of the convict prisoner and she submitted an application on 18.07.2024. Since the same has not been considered till date, the petitioner has moved the present writ petition.

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.



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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 18.07.2024, 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.

5. With the above directions, this Writ Petition stands disposed of. No costs.

[S.M.S., J.] [V.S.G., J.]
04.09.2024

Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

Jeni



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To

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- 1.The Deputy Inspector General of Prison,
The State,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.
- 2.The Superintendent,
Puzhal Central Prison-I,
Puzhal – 600 066.
- 3.The Additional Public Prosecutor,
High Court of Madras.



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AND
V.SIVAGNANAM, J.

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