



WEB COPY



W.P.No.25749 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.09.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.25749 of 2024

Thangammal

... Petitioner

Vs.

1.The Superintendent of Prison,
Central Prison,
Salem,
Salem District.

2.The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam,
Salem District.
Crime No.310 of 2003

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to grant ordinary leave for 30 days to the petitioner's son Thirupathi (Convict Prisoner No.CT.No.1012) who is confined in Central Prison, Salem for monetary arrangements of the petitioner's medical treatment based on the representation made by the petitioner dated 23.07.2024.



W.P.No.25749 of 2024

For Petitioner : Mr.M.P.Rajavelayutham
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

The Writ Petition has been instituted for directing the 1st respondent to grant ordinary leave for 30 days to the petitioner's son Thirupathi (Convict Prisoner No.CT.No.1012) who is confined in Central Prison, Salem. The petitioner made a representation to the respondent on 23.07.2024 for the same. However, the representation 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



W.P.No.25749 of 2024

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 23.07.2024, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of one week 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.

[S.M.S., J.]

[V.S.G., J.]

02.09.2024

Index: Yes/No

Speaking/Non-speaking order

gd



WEB COPY



W.P.No.25749 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

gd

To

- 1.The Superintendent of Prison,
Central Prison,
Salem,
Salem District.
- 2.The Inspector of Police,
Tharamangalam Police Station,
Tharamangalam,
Salem District.
- 3.The Public Prosecutor,
Madras High Court,
Chennai - 104.

W.P.No.25749 of 2024

02.09.2024