



WEB COPY



W.P.No.29532 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.29532 of 2024

Maheshwari

... Petitioner

Vs.

The State Represented by its,

1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal – 600 066.

3.The Superintendent,
Puzhal Central Prison,
Puzhal – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to grant ordinary leave for 1 month without escort to the detenue,



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Sanmuganathan, S/o. Ramasamy aged about 51 years, bearing confined at
Central Prison, Puzhal.

For Petitioner : Mr.P.Bakiyaraj

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

ORDER

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

The Writ Petition has been instituted to direct the respondents to grant ordinary leave for 1 month without escort to the detenue, Sanmuganathan, S/o. Ramasamy aged about 51 years, bearing confined at Central Prison, Puzhal.

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



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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, 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.]
14.10.2024

Index : Yes



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Neutral Citation : Yes
Speaking order / Non-speaking order

GD



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To

- 1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai – 600 009.
- 2.The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal – 600 066.
- 3.The Superintendent,
Puzhal Central Prison,
Puzhal – 600 066.
- 4.The Additional Public Prosecutor,
Madras High Court.



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V.SIVAGNANAM, J.

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