



WEB COPY



W.P.No.29928 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

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Palanisamy

... Petitioner

Vs.

The State represented by its,

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

2.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.

3.The Superintendent,
Central Prison,
Coimbatore – 641 018.

... 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 of 30 days without escort to the detenue, Boopathi, S/o.Palanisamy, aged about 29 years, Convict No.8371, confined at Central Prison, Coimbatore.



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For Petitioner : Dr.S.Manoharan
for Ms.K.Akshaya
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 respondents to grant ordinary leave of 30 days without escort to the detenue, Boopathi, S/o.Palanisamy, aged about 29 years, Convict No.8371, confined at Central Prison, Coimbatore.

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 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



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to consider the same within a stipulated time.

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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 26.08.2024, 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.]

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Index: Yes/No

Speaking/Non-speaking order

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

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To

- 1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai – 600 009.
- 2.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore – 641 018.
- 3.The Superintendent,
Central Prison,
Coimbatore – 641 018.
- 4.The Public Prosecutor,
Madras High Court,
Chennai - 104.

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