



WEB COPY

W.P.No.32537 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.32537 of 2024

S.Shanthi

... Petitioner

Vs.

1.The Director General of Prison,
Office of the Director General of Prison,
Egmore,
Chennai – 600 008.

2.The Superintendent of Prison,
Central Prison, Puzhal – I,
Puzhal,
Chennai – 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 consider petitioner's representation dated 13.09.2024 and grant leave for petitioner's husband, detenue namely Srinivasan S/o.Vembu Santhanam (C.T.8648) without Police protection for further 15 days under Emergency (Medical) Leave.



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For Petitioner : Mr.A.Sivakumar
For Respondents : Mr.R.Muniyapparaj
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 consider petitioner's representation dated 13.09.2024 and grant emergency leave for further 15 days without escort to her husband / detenu, namely Srinivasan S/o.Vembu Santhanam (C.T.8648). However, the same 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



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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. Consequently, this Court is justified in invoking its extraordinary powers under Article 226 of Constitution of India and directing the authorities to consider the representation within a stipulated timeframe.

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 13.09.2024, seeking emergency leave for 15 days, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of one (1) week from the date of receipt of a copy of this order and communicate the same to the petitioner.



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

[S.M.S., J.] [M.J.R., J.]
05.11.2024

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

Jeni

To

- 1.The Director General of Prison,
Office of the Director General of Prison,
Egmore, Chennai – 600 008.
- 2.The Superintendent of Prison,
Central Prison, Puzhal – I,
Puzhal, Chennai – 600 066.
- 3.The Additional Public Prosecutor,
Madras High Court.



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AND
M.JOTHIRAMAN, J.

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