



WEB COPY



W.P.No.31955 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.31955 of 2024
and
WMP No.34715 of 2024

Dhanalakshmi

... Petitioner

Vs.

1. The State of Tamil Nadu,
rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.

2. The Director General of Police/
Inspector General of Prisons and correctional service,
Whannels Road,
Egmore, Chennai 600 008

2.The Superintendent,
Central Prison,
Salem.

... 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 the representation dated 09.09.2024 made by the petitioner for



W.P.No.31955 of 2024

premature release of the petitioner's husband, namely Raja S/o. Shankar, aged about 42 years, convict no.8834, convict prisoner, Central Prison, Salem within a reasonable period.

For Petitioner : Mrs. S. Nadhiya
For Respondents : Mr.R.Muniyapparaj,
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 consider the representation dated 09.09.2024 submitted by the petitioner for premature release of her husband, namely, Raja, aged 42 years, Convict No.8834, now confined at Central Prison, Salem.

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



W.P.No.31955 of 2024

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 09.09.2024, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of four weeks 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. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[M.J.R., J.]

03.12.2024

Index: Yes/No

Speaking/Non-speaking order



WEB COPY



W.P.No.31955 of 2024



WEB COPY



W.P.No.31955 of 2024

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

mrp

1. The Secretary to Government,
The State of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
2. The Director General of Police/
Inspector General of Prisons and correctional service,
Whannels Road,
Egmore, Chennai 600 008
3. The Superintendent,
Central Prison,
Salem.
4. The Public Prosecutor,
High Court of Madras.

W.P.No.31955 of 2024

03.12.2024