



WEB COPY



W.P.No.32860 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2024

CORAM :

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

W.P.No.32860 of 2024

A. Pachaiaammal

... Petitioner

Vs.

1. The Secretary to Government,
Home Department,
Secretariat,
Fort St. George,
Chennai 600 009.

2. The Superintendent of Prisons,
Vellore Central Prison,
Vellore

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the 2nd respondent to consider the petitioner's representation dated 16.09.2024 and direct the 2nd respondent to grant parole leave for a period of one month to her son's confined at Vellore Central Prison, Vellore, Tamilnadu.



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For Petitioner : Ms. S.Sujatha
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 grant parole leave for one month 40 days to the detenu, Rajadurai s/o.Arumugam (CT.No.3782) confined at Central Prison, Vellore.

2. The petitioner has made a representation to the respondent on 16.09.2024 for the same. However, the same has not been considered till date, the petitioner has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. 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



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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.

5. 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 16.09.2024, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

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

[S.M.S., J.]

[M.J.R., J.]

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Index: Yes/No

Speaking/Non-speaking order

mrp



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

mrp

To

1. The Secretary to Government,
Home Department,
Secretariat,
Fort St. George,
Chennai 600 009.
2. The Superintendent of Prisons,
Vellore Central Prison,
Vellore
3. The Public Prosecutor,
High Court of Madras.

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