



WEB COPY

W.P.No.32277 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.32277 of 2024

Chandra

... Petitioner

Vs.

The State Represented by its,

1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 627 002.

... 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 15 days of emergency leave without escort to the detenue, Paraman @ Paramashivan, S/o.Shivan aged about 32 years, bearing Convict No.20511 confined at Central Prison, Coimbatore.



WEB COPY



W.P.No.32277 of 2024

For Petitioner : Mr.P.Bakiyaraj
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 grant 15 days of emergency leave without escort to the detenue, Paraman @ Paramashivan, S/o.Shivan aged about 32 years, bearing Convict No.20511 confined at Central Prison, Coimbatore.

2. The petitioner states that her son was convicted by the Learned Additional District Judge (CBI Cases) and Bomb Blast Cases, Sessions Court in charge, Coimbatore, in S.C. No. 232 of 2015, dated 28.09.2017, under: Section 449 of the Indian Penal Code (IPC), sentenced to 10 years imprisonment; Sections 302 IPC read with 34 IPC, sentenced to life imprisonment; and Sections 307 IPC read with 34 IPC, sentenced to 10 years imprisonment. The petitioner submitted a representation to the respondents on 24.09.2024 through registered post, requesting leave for her son/detenu.



W.P.No.32277 of 2024

Since the respondents have yet to consider the representation, the petitioner has filed this writ petition.

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. 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 24.09.2024, 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



W.P.No.32277 of 2024

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

Index : Yes

Speaking order / Non-speaking order

Neutral Citation : Yes

Jeni

To

1.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore – 627 002.

3.The Additional Public Prosecutor,
Madras High Court.



WEB COPY



W.P.No.32277 of 2024

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

Jeni

W.P.No.32277 of 2024

05.11.2024