



W.P.No.33534 of 2023

[IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.33534 of 2023

M.Sengaiammal

... Petitioner

Vs.

1.State by;
The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police &
Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison,
Coimbatore – 18.

4.Mr.Sadaiyan
5.Mr.Sivakumar
6.Mr.Kirubakaran.
7.Mr.Mugilan
8.Mr.Ragul
9.Mr.Mohanram
10.Mr.Ganesan

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents 1 to 3 to consider the representation of the petitioner dated 6.11.2023 and to take appropriate action against respondents No.4 to 19, who had assaulted the petitioner's son and six other remand prisoners.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.C. Aravind

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner, who is the mother of Dinesh Kumar, S/o Muthupandi, now confined in the Central Prison, Coimbatore, has come forward with this writ petition to direct the respondents 1 to 3 to consider the representation of the petitioner dated 6.11.2023 and to take appropriate action against respondents No.4 to 10, who had assaulted the petitioner's son and six other remand prisoners.



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2.The petitioner states that her son was arrested by the respondent police in connection with Crime No.279 of 2022 filed under Section 147, 148, 294(b), 342, 307, 302 and 506(2) IPC and produced before the Judicial Magistrate Court No.1 Sivagangai and thereafter, remanded to judicial custody and is now confined in the Central Prison, Coimbatore. The petitioner further states that the respondents 4 to 10 are assaulting her son inside the jail using sharp edged blade and lathi and have further confined him in a solitary confinement, without giving him any medical treatment. Therefore, she made a representation dated 06.11.2023 to the respondents 1 to 3 requesting them to take appropriate action against the respondents 4 to 10 and to transfer her son from the Central Prison, Coimbatore to the Central Prison, Madurai. Since the same has not been considered till date, she 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 1 to 3.

4.Today, when the matter was taken up, the respondents 4 and 10 were physically present before the Court.



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5. 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 to consider the same within a stipulated time.

6. 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 06.11.2023, after giving due opportunity of hearing to the respondents 4 to 10 and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.



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

[M.S.R., J]

[S.M., J]

24.04.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

Tsg



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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Tsg

To

The Additional Chief Secretary to Government,
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Inspector General of Prisons,
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3.The Superintendent of Prison,
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4.The Public Prosecutor,
High Court, Madras.

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