



WEB COPY



W.P.No.33281 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.11.2024

CORAM :

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

W.P.No.33281 of 2024

Hemavathi

... Petitioner

Vs.

The State represented by its,

1. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai 600 009.

2. The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal- 600 066

3. The Superintendent of Prisons,
Central Prison, Puzhal,
Puzhal- 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 grant ordinary leave for 28 days without escort to the detenue, Abishek , S/o. Narayanan, aged about 28 years, convict prisoner, bearing convict No.7924, confined at Central Prison, Puzhal.



W.P.No.33281 of 2024

For Petitioner : Mr. M.Ezhilarasu
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 ordinary leave for 28 days to the detenu, Abishek, S/o. Narayanan, aged about 28 years, (Convict No.7924), confined at Central Prison.

2. The petitioner has made a representation to the respondent on 05.09.2024 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



W.P.No.33281 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.

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 05.09.2024, 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.]

11.11.2024

Index: Yes/No

Speaking/Non-speaking order

mrp



WEB COPY



W.P.No.33281 of 2024

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

mrp

To

1. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai 600 009.
2. The Deputy Inspector General of Prison,
Puzhal Range,
Puzhal- 600 066
3. The Superintendent of Prisons,
Central Prison, Puzhal,
Puzhal- 600 066
43. The Public Prosecutor,
High Court of Madras.

W.P.No.33281 of 2024

11.11.2024