



WEB COPY

W.P.No.37808 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.37808 of 2024

Mrs.Meharunnisa

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Vellore.

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

3.The State rep by,
The Inspector of Police,
All Women Police Station,
Vandhavasi, Thiruvannamalai District.

... 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 by without escort to the petitioner's son namely Eliyas, S/o.Syed Esmail, aged 23 years, Convict Prisoner, Central Prison, Vellre/Pid No.284056, and thereby render justice.



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For Petitioner : Mr.E.Ezhil Caroline
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 ordinary leave for 28 days by without escort to the petitioner's son namely Eliyas, S/o.Syed Esmail, aged 23 years, Convict Prisoner, Central Prison, Vellre/Pid No.284056.

2. The petitioner states that her son was convicted by the Learned Special Judge for POCSO Cases at Tiruvannamalai in Spl.S.C.No.102 of 2020 dated 09.06.2023 under Sections 366 I.P.C., 376 (DA) IPC, Section 5(g), 5(i) r/w 6 of POCSO Act, 2012. The petitioner submitted a representation to the respondents on 18.09.2024, requesting leave. Since the respondents have yet to consider the representation, the petitioner has filed this writ petition.



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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 time frame.

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 18.09.2024, seeking ordinary leave for 28 days, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of one (1) week from the date of receipt of a copy of this order and communicate the same to the petitioner.



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

[S.M.S., J.] [M.J.R., J.]
11.12.2024

Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

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To

- 1.The Deputy Inspector General of Prisons,
Vellore.
- 2.The Superintendent of Prison,
Vellore Central Prison, Vellore.
- 3.The State rep by,
The Inspector of Police,
All Women Police Station,
Vandhavasi, Thiruvannamalai District.
- 4.The Additional Public Prosecutor,
Madras High Court.



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AND
M.JOTHIRAMAN, J.

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