



WEB COPY



W.P.No.35038 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2024

CORAM :

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

W.P.No.35038 of 2024

Elangovan

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep by its Secretary
Home (IV) Prison Department
Fort St.George, Chennai.

2.The Director General of Police,
No.1, Director of Prisons and Correctional services
CMDA Towers – II, Gandhi Irwin Road,
Egmore, Chennai.

3.The Superintendent of Prison,
Central Prison, Madurai,
Madurai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus to direct the respondents to release petitioner elder brother Ayyampillai s/o.Periyakarupannan from central prison, Madurai who was convicted in case in CC.137/2019 by the Principal Special Court for EC & NDPS Act, Chennai who at present is in Central Prison, Madurai as a convicted prisoner (Prisoner No.1245) on emergency leave or



W.P.No.35038 of 2024

ordinary leave for period of 3 months based on representation dated 01.08.2024.

For Petitioner : Mr.N.Ramachandran

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 consider the representation of the petitioner dated 01.08.2024 and grant 3 months ordinary leave to the petitioner's elder brother Ayyampillai s/o.Periyakaruppanan, Convict Prisoner, CT.No.1245 now confined in the Central Prison, Madurai.

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

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 and hence, this Court will be justified in invoking its



W.P.No.35038 of 2024

extraordinary powers under Article 226 of Constitution of India and direct them

to consider the same within a stipulated time.

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 01.08.2024, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of one week 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.]

29.11.2024

Index: Yes/No

Speaking/Non-speaking order

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W.P.No.35038 of 2024