



WEB COPY

W.P.No.35054 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.35054 of 2024

Senthil Kumar

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison – I,
Puzhal, Chennai – 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 to the petitioner namely Senthil Kumar, S/o.Sivanayya, aged 43 years, Convict Prisoner, Convict No.7688, Central Prison, Puzhal.



WEB COPY



W.P.No.35054 of 2024

For Petitioner : Mrs.S.Nadhiya
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 to the petitioner namely Senthil Kumar, S/o.Sivanayya, aged 43 years, Convict No.7688, who is confined at Central Prison, Puzhal, Chennai

2. The petitioner states that her son was convicted by the Mahila Court / Special Court or Cases under POCSO Act, Children's Court, Chennai in S.C.No.121 of 2016 under Section 302 of Indian Penal Code and sentenced to life imprisonment. The petitioner submitted a representation to the respondents on 27.09.2024 requesting leave. 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



W.P.No.35054 of 2024

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 27.09.2024, 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.



W.P.No.35054 of 2024

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

costs.

[S.M.S., J.] [M.J.R., J.]
28.11.2024

Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

Jeni

To

- 1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.
- 2.The Superintendent of Prisons,
Central Prison – I,
Puzhal, Chennai – 600 066.
- 3.The Additional Public Prosecutor,
Madras High Court.



WEB COPY



W.P.No.35054 of 2024

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

Jeni

W.P.No.35054 of 2024

28.11.2024