



W.P.No.37061 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM :

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

W.P.No.37061 of 2024

Karuppan

... Petitioner

Vs.

1.The Deputy Inspector General of Prison,
O/o.The Deputy Inspector General of Prison
and Correctional Services,
Whannels Road, Ansari Estate, Egmore,
Chennai – 08.

2.The Superintendent of Prison,
O/o.The Superintendent of Prison,
Central Prison,
Salem District.

3.The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai City.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the respondents 1



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and 2 to grant ordinary leave for the petitioner's son for the period of 30 days who is a life convict namely Velmurugan CP.No.9507 by considering the petitioner's representation dated 20.11.2024.

For Petitioner : Mr.S.M.A.Jinnah

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 30 days to the petitioner's son, namely, Velmurugan CP.No.9507, who is confined at Central Prison, Salem.

2.The petitioner states that his son was convicted by the Additional District (Fast Track) Court, Theni District in S.C.No.120 of 2021 under Section 302 of Indian Penal Code and sentenced to life imprisonment. The petitioner submitted a representation to the respondents on 20.11.2024 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 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 20.11.2024, seeking ordinary leave for 30 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.]
05.12.2024

Index : Yes/No
Neutral Citation : Yes/No
Speaking order / Non-speaking order

cse

To

1. The Deputy Inspector General of Prison,
O/o. The Deputy Inspector General of Prison
and Correctional Services,
Whannels Road, Ansari Estate, Egmore,
Chennai – 08.
2. The Superintendent of Prison,
O/o. The Superintendent of Prison,
Central Prison,
Salem District.
3. The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai City.
4. The Additional Public Prosecutor,
Madras High Court.



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

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