



WEB COPY



W.P.No.36720 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.36720 of 2024

Sathaj

... 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,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to grant ordinary leave for 28 days by without escort to the petitioner's brother namely Asan S/o Sheik Madhar aged about 39 years, Convict Prisoner, Convict No.9262, Central Prison, Salem.



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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 without escort to the petitioner's brother namely Asan S/o Sheik Madhar aged about 39 years, Convict Prisoner, Convict No.9262, Central Prison, Salem.

2. The petitioner states that her brother was convicted by the Principal Sessions Judge, Coimbatore in S.C.No.354 of 2011 dated 13.02.2015 under Section 302 of Indian Penal Code and sentenced to life imprisonment. The petitioner submitted a representation to the respondents on 16.10.2024, 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 16.10.2024, 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.]
03.12.2024

Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

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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,
Salem.

3.The Additional Public Prosecutor,
Madras High Court.



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