



WEB COPY

W.P.No.38548 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.38548 of 2024

Kuppusami

... Petitioner

Vs.

- 1.The State Rep by its
Deputy Inspector General of Prisons,
Head Quarters,
Egmore,
Chennai – 600 008.
- 2.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore.
- 3.The Superintendent of Central Prison,
Salem, Salem District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 3rd respondent to grant ordinary leave of 28 days without escort to the petitioner's brother namely Semmalai son of Kanthasamy, Convict No.99437, confined in Central Prison, Salem to Secure the ends of Justice.



WEB COPY



W.P.No.38548 of 2024

For Petitioner : Mr.C.Deepakkumar
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 3rd respondent to grant ordinary leave of 28 days without escort to the petitioner's brother namely Semmalai, Son of Kanthasamy, Convict No.99437, confined in Central Prison, Salem.

2. The petitioner states that his brother was convicted by the Mahila Sessions Judge, Salem in S.C.No.369 of 2016 dated 31.08.2018 under Section 302 of Indian Penal Code and sentenced to undergo life imprisonment. The petitioner submitted a representation to the respondents on 26.11.2024, 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.38548 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 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 26.11.2024, 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.

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



WEB COPY



W.P.No.38548 of 2024

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

16.12.2024

Index : Yes

Neutral Citation : Yes

Speaking order / Non-speaking order

kak

To

- 1.The Deputy Inspector General of Prisons,
Head Quarters,
Egmore,
Chennai – 600 008.
- 2.The Deputy Inspector General of Prison,
Coimbatore Range,
Coimbatore.
- 3.The Superintendent of Central Prison,
Salem, Salem District.
- 4.The Additional Public Prosecutor,
Madras High Court.



WEB COPY



W.P.No.38548 of 2024

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

kak

W.P.No.38548 of 2024

16.12.2024