



WEB COPY

W.P.No.38125 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.38125 of 2024

Ellango @ Ellangovan

... Petitioner

Vs.

1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St. George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Coimbatore Zone, Coimbatore.

3.The Superintendent of Prison,
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 2nd respondent and direct the 3rd respondent to enlarge the petitioner Ellango @ Ellangovan S/o.Meivel (Convict prisoner No.9806) is to grant 21 days ordinary leave without escort, confined at Central prison Salem.



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For Petitioner : Mr.P.M.Basil
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The petitioner made a representation on 19.10.2024 to the respondents seeking to enlarge the petitioner / Ellango @ Ellangovan S/o.Meivel (Convict prisoner No.9806) 21 days ordinary leave without escort, confined at Central prison Salem. However, the same has not been considered till date, the petitioner has come forward with this Writ Petition.

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.



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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 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 19.10.2024, seeking 21 days ordinary leave without escort, 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.

[S.M.S., J.] [M.J.R., J.]
12.12.2024

Jeni
Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order



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To
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- 1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St. George,
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- 2.The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore.
- 3.The Superintendent of Prison,
Central Prison,
Salem.
- 4.The Additional Public Prosecutor,
Madras High Court.



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AND
M.JOTHIRAMAN, J.

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