



WEB COPY

W.P.No.38452 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.38452 of 2024

Shajahan

... Petitioner

Vs.

The State represented by its,

1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 001.

3.The Superintendent,
Central Prison, Vellore,
Vellore – 632 001.

... 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 40 days without escort to the detanue, Raja Mugamadhu, S/o.Allapichai aged about 53 years, convict prisoner, bearing



W.P.No.38452 of 2024

Convict No. 23686, confined at Central Prison, Vellore.

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For Petitioner : Mr.M.Ezhilarasu

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 40 days without escort to the detenue, Raja Mugamadhu, S/o.Allapichai, aged about 53 years, Convict Prisoner, bearing Convict No.23686, confined at Central Prison, Vellore.

2. The petitioner states that his brother was convicted by the Additional District and Session Court, Fast Track Court No.III, Vridhachalam, Cuddalore District in S.C.No.301 of 2003 dated 28.10.2005 under Sections 396, 302 and 302 r/w 34 of Indian Penal Code and sentenced to undergo life imprisonment. The petitioner submitted a representation to the respondents on 14.09.2024, requesting leave. Since the respondents have yet to consider the representation, the petitioner has filed this writ petition.



W.P.No.38452 of 2024

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 14.09.2024, seeking ordinary leave for 40 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



W.P.No.38452 of 2024

costs.

WEB COPY

[S.M.S., J.] [M.J.R., J.]
16.12.2024

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

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To

- 1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.
- 2.The Deputy Inspector General of Prison,
Vellore Range,
Vellore – 632 001.
- 3.The Superintendent,
Central Prison, Vellore,
Vellore – 632 001.
- 4.The Additional Public Prosecutor,
Madras High Court.



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W.P.No.38452 of 2024

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

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