



WEB COPY



W.P.No.38458 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.12.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.38458 of 2024

Sakthivel

S/o Thamma Naikkar

.. Petitioner

v.

The State represented by its

1. The Deputy Inspector General of Prison
Coimbatore Zone
Coimbatore 641 018

2. The Superintendent
Salem Central Prison
Salem

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to grant ordinary leave for 30 days without escort to the detenu Chinnathambi @ Bomma Naikkar, S/o Thamma Naikkar, aged about 36 years, convict prisoner, bearing Convict No.9813 and PID No.289848 confined at Central Prison, Salem.

For Petitioner :: Mr.M.Ezhilarasu



WEB COPY



W.P.No.38458 of 2024

For Respondents :: Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ petition has been instituted for directing the respondents to consider the representation of the petitioner dated 04.11.2024 and grant 30 days ordinary leave without escort to the detenu Chinnathambi @ Bomma Naikkar, S/o Thamma Naikkar, aged about 36 years, convict prisoner, bearing Convict No.9813 and PID No.289848, who is confined at Central Prison, Salem.

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 the 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



W.P.No.38458 of 2024

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 04.11.2024, if not already disposed of, and pass appropriate orders on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order and communicate the same to the petitioner. The writ petition stands disposed of accordingly. No costs.

Index : yes
Neutral citation : yes/no

(S.M.S.,J.) (M.J.R.,J.)
17.12.2024

SS

To

1. The Deputy Inspector General of Prison
Coimbatore Zone



W.P.No.38458 of 2024

Coimbatore 641 018

2. The Superintendent
Salem Central Prison
Salem

3. The Public Prosecutor
High Court, Madras



WEB COPY



W.P.No.38458 of 2024

S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

SS

W.P.No.38458 of 2024

17.12.2024