



WEB COPY



W.P.No.2422 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

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THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.2422 of 2025

Jalagantha

.. 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,
Puzhal, Chennai.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to grant 15 days emergency leave by without escort to the petitioner's son namely Madhi S/o. Krishnan aged about 57 years, Convict No.8959, Convict Prisoner, Central Prison, Puzhal.

For petitioner : Ms.S.Nadhiya



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For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
Assisted by
Mr.M.Sylvester John

ORDER

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

The petitioner herein, who is the mother of the life convict, has come forward with this Writ Petition seeking for a direction to consider her representation sent to the respondents on 28.12.2024 through the Registered Post.

2.The petitioner states that her son was convicted U/s.324 and 302 of IPC and sentenced to undergo R.I for 3 years and fine of Rs.5,000/- in default S.I for one month u/s.324 of IPC and sentenced to undergo imprisonment for life and fine of Rs.10,000/- in default to undergo S.I for 3 months u/s.302 of IPC concurrently and the period undergone by the prisoner in remand was ordered to be set off u/s.428 of Cr.P.C. by the Mahalir Neethimandram, Allikulam, Chennai, in S.C.No.221 of 2017 dated 16.05.2022.



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3.On the ground that the petitioner is suffering from age related ailments, she has become deaf and that her health condition is worse. She wanted to spend some time with her son during her last breath and to make medical arrangements for her. Hence, she has given a representation dated 28.12.2024 in this regard to the respondents seeking grant of 15 days emergency leave for her son and since the same has not been considered till date, she has filed the present Writ Petition.

4.Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5.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 and hence, this



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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.

6.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 28.12.2024, 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.

7.With the above direction, this Writ Petition stands disposed of.

No costs.

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

13.02.2025

krk

Index : Yes / No

Internet : Yes / No



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Neutral Citation : Yes / No

NOTE : Issue order copy on 21.02.2025.

To

- 1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
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Egmore, Chennai – 600 008.
- 2.The Superintendent of Prisons,
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Puzhal, Chennai.
- 3.The Public Prosecutor,
High Court, Madras.



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and

N. SENTHILKUMAR, J.

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