



W.P.No.2630 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.2630 of 2025

K. Lakshmi

... Petitioner

Vs.

1. The State of Tamilnadu,
rep. by the Additional Chief Secretary to Government,
Home (Prison V) Department,
Secretariat, Fort St. George,
Chennai 600 009.
2. The Director General of Prisons and Correctional Services,
Tamilnadu Prison Department,
No.6, Whennals Road, Egmore,
Chennai 600 008.
3. The Deputy Inspector of Prisons,
Office of DIG of prisons, Vellore Range,
Vellore 632 002.
4. The Superintendent of Prison,
Central Prison for Men,
Cuddalore- 607 002.

... 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 one month ordinary leave to the petitioner's son, namely, Duraisamy S/o. Krishnan (C.P.No.15536), who is undergone for more than 11 years (from



W.P.No.2630 of 2025

19.06.2013) of imprisonment in the Cuddalore Central Prison as per Rule 40 of Tamilnadu Suspension of Sentence Rules 1982 by considering the petitioner's representation dated 18.10.2024.

For Petitioner : Mr. R. Diwakaran
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
for R1 to R4

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 dated 18.10.2024 submitted by the petitioner seeking ordinary leave to her son, namely, Duraisamy S/o. Krishnan, C.P.No.15536, now confined at Central Prison, Cuddalore.

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. 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



W.P.No.2630 of 2025

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 18.10.2024, 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.

5. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[M.J.R., J.]

28.01.2025

Index: Yes/No

Speaking/Non-speaking order

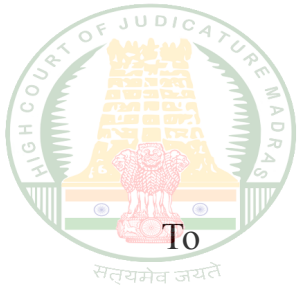
mrp

S.M.SUBRAMANIAM, J.

AND

M.JOTHIRAMAN, J.

mrp



W.P.No.2630 of 2025

WEB COPY

- To
1. The Additional Chief Secretary to Government,
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W.P.No.2630 of 2025

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