



W.P.No.4903 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.4903 of 2025

Zahir Hussain

...Petitioner/ the detenue

Vs.

1.The Deputy Inspector General of Prisons,
Prison Head Quarters,
Egmore, Chennai.

2.The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai-600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the second respondent to take the petitioner for medical treatment to Government Stanley Hospital namely Jahir Hussain, S/o.Hyder Ali, aged about 49 years, Convict No.6724, Convict Prisoner, Central Prison, Puzhal.

For Petitioner : Ms.S.Nadhiya

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John



W.P.No.4903 of 2025

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ORDER

M.S.RAMESH, J.

and

N.SENTHILKUMAR, J.

This Writ Petition has been filed to direct the second respondent to take the petitioner viz., Jahir Hussain, S/o.Hyder Ali, aged about 49 years, Convict No.6724, Convict Prisoner, confined at Central Prison, Puzhal for medical treatment to Government Stanley Hospital.

2. The petitioner states that he was convicted in Court case No. HC/441/14 by the Negombo High Court, Srilanka for the offence under Section 54a(b), 54a(c) and 54a(d) of Poisons Opium and Dangerous (Amended) Act and sentenced to life imprisonment. The petitioner further states that he is suffering nerve pain in his legs for the past 1 ½ years and facing unbearable pain. Since there are no facilities in the prison for the treatment, he made a representation dated 31.01.2025 before the respondents. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.



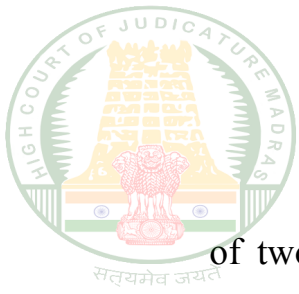
W.P.No.4903 of 2025

3. Heard the learned counsel for the petitioner and the learned

Additional Public Prosecutor appearing for the respondents.

4. 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 extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. 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 31.01.2025, seeking to take the prisoner for medical treatment to Government Stanley Hospital, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period



W.P.No.4903 of 2025

of two (1) week from the date of receipt of a copy of this order and
communicate the same to the petitioner.

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

No costs.

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

13.02.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

To

1.The Deputy Inspector General of Prisons,
Prison Head Quarters,
Egmore, Chennai.

2.The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai-600 066.

3.The Public Prosecutor,
High Court, Madras.



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W.P.No.4903 of 2025

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