



W.P.No.5259 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

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Valarmathi

... Petitioner

Vs.

The State represented by its

1.The Secretary to the Government of Tamilnadu,
Home Department,
Fort St.George,
Chennai-600 009.

2.The Director Inspector General of Prison
Chennai Range
Egmore
Chennai-600 008

3.The Superintendent of Prison,
Central Prison 1
Puzhal 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 respondents



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to admit the petitioner's son, the detenu, Arun @ Arun Kumar, aged about 33 years, LCT No.8134. confined at Central Prison, Puzhal - I, to the Stanley Government Hospital, Chennai to undergo treatment.

For Petitioner : Dr.S.Manoharan
For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

M.S.RAMESH, J.
AND
N.SENTHILKUMAR, 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 23.01.2025 through the Registered Post.

2. The petitioner states that her son was convicted U/s.341 r/w 149, 148 and 302 r/w 149 IPC and sentenced to undergo 1 month S.I. U/s.341 r/w 149 IPC; to undergo 3 years R.I. and to pay a fine of Rs.1,000/- in default to undergo S.I. for 6 months U/s.148 IPC to undergo life imprisonment and to pay a fine of Rs.5,000/- in default to undergo S.I.



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for 1 year U/s.302 IPC in S.C.No.282 of 2016 vide order dated 17.09.2020 on the file of learned II Additional Sessions Judge, Chennai and he has been undergoing the imprisonment for more than 7 years. She added that her son has been suffering from severe pain and disability in his left hand for years and his left ring finger got fractured and he is suffering from grievous injuries leading to extreme pain and immobility of the affected finger. Due to severity of his injury, he is unable to move, straighten or bend the affected finger and it is impossible for her son to lift or pick objects and carry out his daily tasks. His condition is worsening day by day. When the petitioner's son was taken to the Stanley Government Hospital earlier, the doctors insisted for a surgery to protect the ring finger, but till date no surgery has been done to her son, due to which her son is suffering from persistent pain and discomfort in prison. Therefore, she has sent a representation dated 23.01.2025 before the respondents 1 to 3. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

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



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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 23.01.2025, seeking for medical treatment to the convict prisoner, 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



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petitioner.

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

No costs.

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

17.02.2025

kas

Index: Yes/No

Neutral Citation

Note: Issue order copy on .02.2025

To

1. The Secretary to the Government of Tamilnadu,
Home Department,
Fort St. George,
Chennai-600 009.

2. The Director Inspector General of Prison
Chennai Range
Egmore
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3. The Superintendent of Prison,
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4.The Public Prosecutor,
High Court,
Madras.

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