



W.P.No.6723 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.02.2025

CORAM:

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

W.P.No.6723 of 2025

Zahir Hussain

... Petitioner

Vs.

1.The Secretary to Government of India
Ministry of Home Affairs
(Centre - State Division)
NDCC-II Building
New Delhi 110 001

2.The State of Tamil Nadu
Rep. by the Secretary to Government
Home, Prohibition and Excise Department
Secretariat
Chennai 600 009

3.The Director General of Police/
Inspector General of Prisons and Correctional Service
Whannels Road
Egmore, Chennai 600 008

4.The Superintendent of Prison
Central Prison - 1
Puzhal
Chennai 600 066

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to convert the life sentence given to the petitioner in Sril Lanka as 10 years by considering the representation dated 12.07.2024 namely Zahir Hussain, S/o. Hyder Ali, aged about 49 years, Convict No.6724, Convict Prisoner, Central Prison, Puzhal.

For Petitioner : Ms.S.Nadhiya

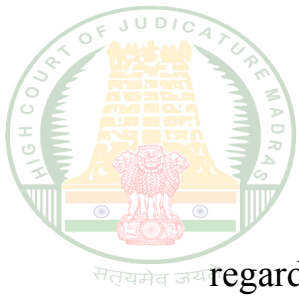
For Respondents : Mr.S.Raja Kumar
Additional Government Pleader
Assisted by Mr.M.Sylvester John

ORDER

M.S.RAMESH, J.
AND
N.SENTHILKUMAR, J.

Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

2. The petitioner has filed this Writ Petition seeking for a direction to the respondents to convert the life sentence given to the petitioner in Sril Lanka as 10 years by considering the representation dated 12.07.2024 namely Zahir Hussain, S/o. Hyder Ali, aged about 49 years, Convict No.6724, Convict Prisoner, Central Prison, Puzhal. In this



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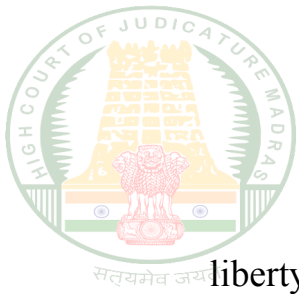
regard, he had given a representation to the 1st respondent on
12.07.2024.

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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 respondent 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.

4. Since the representation given by the petitioner dates back to the year 2024, it would be appropriate that the petitioner be granted liberty to give a fresh consolidated representation, with a consequential direction to the respondents herein, to consider the same.

5. In the light of the above observations, the petitioner is granted



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liberty to give a fresh representation to the respondents herein, ventilating his grievances. On receipt of the same, the respondents shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of the fresh representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim made by the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

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

No costs.

[M.S.R, J.]

[N.S, J.]

26.02.2025

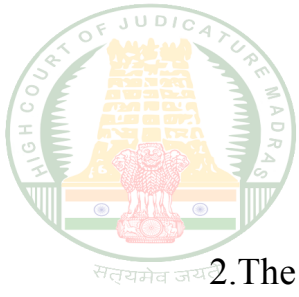
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Index: Yes/No

Neutral Citation: Yes/No

To

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4.The Superintendent of Prison
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5.The Public Prosecutor
High Court of Madras
Chennai 600 104



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