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W.P.No.10029 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P.No.10029 of 2025

Aneesunnissha,

...Petitioner/ wife of the detenue

Vs.

1. The Secretary To Government
Department Of Law, Courts And
Prisons, Secretariat, Chennai.

2.The Director General Of Prisons
Thalamuthu Natarajan Maligai,
Gandhi Irwin Road, Chennai- 08.

3.The Superintendent Of Prisons
Central Prison, Puzhal, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the superintendent of prisons, central prison, Puzhal, Chennai, the 3rd respondent herein to consider the representation of the petitioner dated 26.02.2025 and grant leave of 15 days to the petitioner's husband.



WEB COPY



W.P.No.10029 of 2025

For Petitioner : Mr.R. Rajan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

This Writ Petition has been filed to direct the 3rd respondent to consider the representation of the petitioner dated 26.02.2025 and grant leave for 15 days to the petitioner's husband.

2. The petitioner states that her husband was convicted for the offence under Sections 8(c) read with Sections 29, 22 and 28 of NDPS Act and sentenced to undergo rigorous imprisonment for 10 years by the Principal Special Court under EC & NDPS Act in C.C.No.45 of 2015. Since the petitioner's husband has certain medical ailments, which requires immediate treatment, she made a representation dated 26.02.2025 before the respondents seeking 15 days leave for the her husband. 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



W.P.No.10029 of 2025

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 26.02.2025 before the respondents seeking leave for a period of 15 days, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order and communicate the same to the



W.P.No.10029 of 2025

petitioner.

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

No costs.

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

13.06.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

To

1. The Secretary To Government
Department Of Law, Courts And
Prisons, Secretariat, Chennai.

2.The Director General Of Prisons
Thalamuthu Natarajan Maligai,
Gandhi Irwin Road, Chennai- 08.

3.The Superintendent Of Prisons
Central Prison, Puzhal, Chennai.

4.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.10029 of 2025



WEB COPY



W.P.No.10029 of 2025

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W.P.No.10029 of 2025

13.06.2025