



WEB COPY



W.P.No.11556 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2025

CORAM :

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

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MATHESHWARI

...Petitioner/ mother of the detenue

Vs.

1. The State Represented By Its
The Secretary To Government Of Tamil Nadu, Department Of Home,
Fort St. George, Chennai 600009.

2.The Additional Director General Of Prison
Egmore, Chennai 600008,

3.The Superintendent
Coimbatore Central Prison, Coimbatore 641018,

4.The Superintendent
Salem Central Prison, Salem 636007.

... 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 to transfer the detenue, Suriyakumar, S/o.Balasundharam, aged about 31 years, convict prisoner, convict no. 24422 and PID No.315752 from Central Prison, Coimbatore to Central Prison Salem, permanently.



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For Petitioner : Mr.S.Pandiyan

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

ORDER

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

This Writ Petition has been filed to direct the respondents to transfer the detainee, Suriyakumar, S/o.Balasundharam, aged about 31 years, convict prisoner, convict no. 24422 and PID No.315752 from Central Prison, Coimbatore to Central Prison Salem, permanently.

2. The petitioner states that her son was convicted and sentenced to undergo rigorous imprisonment for a period of seven years and fine of Rs.1000, each in default to undergo six months R.I for the offences under Section 450 IPC and to undergo imprisonment for life for the offence under Section 302 IPC and he was detained at Central prison, Coimbatore. Since the petitioner and her husband are senior citizens, they could not travel from Erode to Coimbatore. Therefore, she made a representation dated 12.03.2025 before the respondents seeking to transfer the petitioner's son from Central Prison, Coimbatore to Central



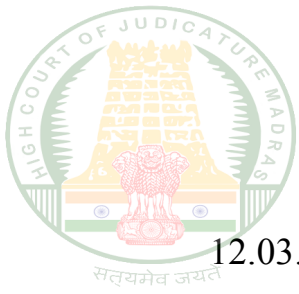
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Prison, Salem. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

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

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



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12.03.2025, seeking to transfer the petitioner's husband from Central Prison, Coimbatore to Central Prison, Salem, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks 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]

01.04.2025

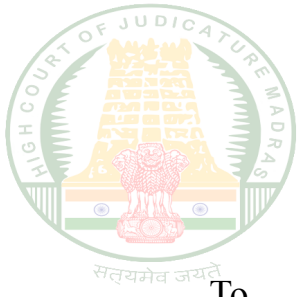
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu



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To
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- 1.The Secretary To Government Of Tamil Nadu,
Department Of Home, Fort St. George, Chennai 600009.
- 2.The Additional Director General Of Prison
Egmore, Chennai 600008,
- 3.The Superintendent
Coimbatore Central Prison, Coimbatore 641018,
- 4.The Superintendent
Salem Central Prison, Salem 636007.
- 5.The Public Prosecutor,
High Court, Madras.



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

Anu

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