



W.P.No.14015 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.14015 of 2025

Naziya Fathima

... Petitioner

Vs.

The Superintendent of Prisons
Central Prison - I
Puzhal, Chennai 600 066

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 20.03.2025 and grant 6 days emergency leave to the petitioner's husband Alisher, Son of Meer Muhamad Ali, Convict Prisoner, CT.No.9997, now confined in the Central Prison - 1, Puzhal, Chennai-66.

For Petitioner : Mr.P.Pugalenth

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



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ORDER

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

The petitioner herein is the wife of the convict prisoner viz. Alisher. Her husband was convicted for the offence U/s.341, 294(b), 302 and 506(ii) IPC and sentenced to life imprisonment. The appeal preferred by her husband in CrI.A.No.944 of 2023 is pending before this Court. Since the petitioner is suffering from medical problem (uterus), the doctor advised her for some medical observation and test for recovery of the medical problem. Hence, the petitioner had made a representation dated 20.03.2025 to the respondent, and requested for 6 days emergency leave to the convict prisoner. Since the same has not been considered by the respondent till date, the petitioner is before this Court with the above petition.

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



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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 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.

4. 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 20.03.2025, seeking for grant of 6 days emergency leave to her husband, the convict prisoner, 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



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the same to the petitioner.

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

kas

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

No costs.

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

21.04.2025

kas

Index: Yes/No
Neutral Citation

To

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

2.The Public Prosecutor
High Court of Madras
Chennai 600 104

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