



WEB COPY



W.P.No.14729 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.14729 of 2025

Keditwaestse Lizzie Molefe

... Petitioner

Vs.

1.The State rep. by,
Secretary to Government,
Home Department,
Fort St.George,
Secretariat, Chennai-600 009.

2.The Director General of Prisons and Correctional Services,
Egmore,
Chennai-600 008.

3.The Superintendent,
Special Prison for Women,
Puzhal, Chennai-66.

4.The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zone, Chennai.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 12.03.2024 and consequently transfer the petitioner from the premises of Special Prison for Women, Puzhal, Chennai to Tihar Prison, New Delhi.

For Petitioner : Mr.Perumal Pandian.P.G
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner herein who is a convict prisoner, has given a representation dated 12.03.2024 to the second respondent herein, requesting for transfer of prison. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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 an Authority, there is a duty cast upon them 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 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 second respondent to consider the representation of the petitioner dated 12.03.2024, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order and communicate the same to the petitioner.



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

No costs.

[M.S.R, J.]

[N.S, J.]

24.04.2025

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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To

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

2.The Director General of Prisons and Correctional Services,
Egmore,
Chennai-600 008.

3.The Superintendent,
Special Prison for Women,
Puzhal, Chennai-66.

4.The Intelligence Officer,
Narcotic Control Bureau,
Chennai Zone, Chennai.

5.The Public Prosecutor,
High Court, Madras.



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

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