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W.P.Crl.No.9 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.06.2025

CORAM :

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

W.P.Crl.No.9 of 2025

Mani

... Petitioner

Vs.

The State represented by its,

1.The Deputy Inspector General of Prisons
Coimbatore Range
Coimbatore 641 018

2.The Superintendent
Coimbatore Central Prison
Coimbatore

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave for 28 days without escort to the detenu, Arun Kumar, S/o.Mani, aged 36 yars, Convict Prisoner, bearing Convict No.19883, and PID No.30179, at Central Prison, Coimbatore.



W.P.Crl.No.9 of 2025

WEB COPY

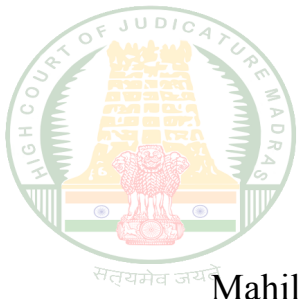
For Petitioner : Mr.S.Pandian
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

This Writ Petition has been filed praying for the issuance of Writ of Mandamus, directing the respondents to grant ordinary leave for 28 days without escort to the detenu, Arun Kumar, S/o.Mani, aged 36 yars, Convict Prisoner, bearing Convict No.19883, and PID No.30179, at Central Prison, Coimbatore.

2. The petitioner's son is convicted U/s.302 IPC and sentenced to undergo life imprisonment with a fine of Rs.5,000/- and U/s.376(A) IPC and sentenced to undergo life imprisonment and a fine of Rs.5,000/- and U/s.449 IPC, he was convicted and sentenced to 10 years imprisonment and a fine of Rs.5,000/- by the learned 2nd Additional District Judge,



W.P.Crl.No.9 of 2025

WEB COPY

Mahila Court at Tiruppur in S.C.No.125 of 2014 vide order dated 20.01.2017.

3.The petitioner is the father of the convict prisoner. The petitioner and his wife are senior citizens and living in a rented house and have borrowed loans for his son's case. The prisoner is the only son for them. The petitioner is aged and he is only working as a coolie in agricultural lands, they do not have enough money to pay rent to their house and repay their loans. Hence he is seeking 28 days ordinary leave for his son, who will be in a position to arrange money from his friends and relatives to repay their debts and for their rents. Hence, a representation dated 13.05.2025 was given to the respondents, since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.



W.P.Crl.No.9 of 2025

WEB COPY

5. 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.

6. 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 13.05.2025, seeking for ordinary leave to the convict prisoner, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of one (1) week from the date of



W.P.Crl.No.9 of 2025

WEB COPY

receipt of a copy of this order and communicate the same to the petitioner.

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

No costs.

[M.S.R, J.]

[V.L.N, J.]

05.06.2025

kas

Index: Yes/No

Neutral Citation

Note: Issue Order Copy on 11.06.2025

To

1.The Deputy Inspector General of Prisons
Coimbatore Range
Coimbatore 641 018

2.The Superintendent
Coimbatore Central Prison
Coimbatore

3.The Public Prosecutor,
High Court of Madras
Chennai 600 104

Page 5 of 6



WEB COPY



W.P.Crl.No.9 of 2025

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

kas

W.P.Crl.No.9 of 2025

05.06.2025