



W.P.Crl.No.83 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2025

CORAM :

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

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Ramasamy

... Petitioner

Vs.

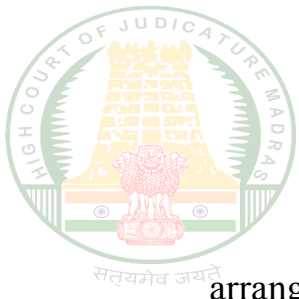
1.The Additional Director General of Police and
Inspector General of Prisons
Whannels Road, Egmore
Chennai 600 008

2.The Deputy Inspector General of Prison
O/o.Deputy Inspector General of Prison
Salem Range, Salem District

3.The Superintendent of Prison
Salem Central Prison
Salem District

... 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 30 days ordinary leave without escort to petitioner's nephew, Convict Prisoner viz. Sivakumar, S/o.Marappan, PID-9773, now confined in 3rd respondent Central Prison, for the purpose of "making



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arrangements of fencing and repair the house, in pursuant to the petitioner's representation dated 03.04.2025.

For Petitioner : Mr.P.Muthamizhselvakumar

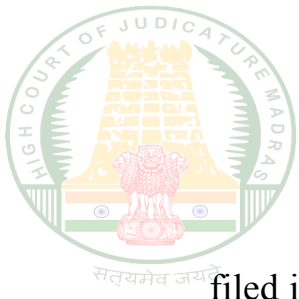
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

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 30 days ordinary leave without escort to petitioner's nephew, Convict Prisoner viz. Sivakumar, S/o.Marappan, PID-9773, now confined in 3rd respondent Central Prison, for the purpose of "making arrangements of fencing and repair the house, in pursuant to the petitioner's representation dated 03.04.2025.

2. The petitioner's nephew was convicted by the learned Additional Session Court, Namakkal, in S.C.No.30 of 2017, dated 18.07.2019, for the offence U/s.307(2 counts) and 302 (2 counts) I.P.C, he was ordered to undergo 10 years R.I. and life imprisonment respectively. The appeal



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filed in Crl.A.No.592 of 2019, was dismissed by this Court vide its order dated 22.11.2022 and his conviction got confirmed.

3.It is the submission of the learned counsel for the petitioner that since the petitioner's nephew viz. the convict prisoner was arrested while his house was under construction, his house is now damaged to the extent that fencing and repair of the house to be done immediately, failing which, the house would be damaged completely. Therefore, the presence of the convict prisoner is must and essential to keep the fencing and repair the exsisting house. Hence, the petitioner has sent a representation to the respondents on 03.04.2025 seeking for grant of 30 days ordinary leave to the convict prisoner, enabling him to repair the damaged house. Since the same has not been considered by the respondents 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.



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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 03.04.2025, 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 two (2) weeks from the date of



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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.

[M.S.R, J.]

[V.L.N, J.]

16.06.2025

kas

Index: Yes / No

Neutral Citation

To

1.The Additional Director General of Police and
Inspector General of Prisons
Whannels Road, Egmore
Chennai 600 008

2.The Deputy Inspector General of Prison
O/o.Deputy Inspector General of Prison
Salem Range, Salem District

3.The Superintendent of Prison
Salem Central Prison
Salem District

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



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