



W.P.Crl.No.43 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM :

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

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Kirija Tamilarasan

... Petitioner

Vs.

1.The Home Secretary
Home Department (Prison)
Secretariat, Fort St. George
Chennai 600 009

2.The Deputy Inspector General of Prison
Coimbatore Zone
Coimbatore

3.The Superintendent of Prison
Central Prison
Salem

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 3rd respondent to grant 21 days ordinary leave without escort to the petitioner's husband Tamilarasan, S/o.Murugan, PID No.149387, who is presently lodged in Central Prison, Salem.



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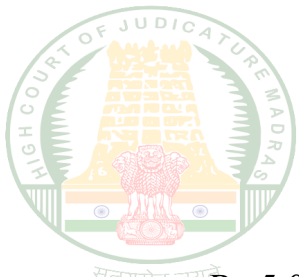
For Petitioner : Mr.P.M.Basil
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

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 3rd respondent to grant 21 days ordinary leave without escort to the petitioner's husband Tamilarasan, S/o.Murugan, PID No.149387, who is presently lodged in Central Prison, Salem.

2. The petitioner's husband was convicted by the learned Sessions Judge, Fast Track Mahila Court, Krishnagiri in Spl.S.C.No.12 of 2019, dated 30.11.2022, for the offence U/s.5(j)(ii)(1) and (q) r/w Section 6 of the POCSO Act, and sentenced to undergo 10 years imprisonment along with a fine of Rs.5,000/-. Further, he was convicted U/s.376(a) IPC and sentenced to undergo 20 years of imprisonment along with a fine of



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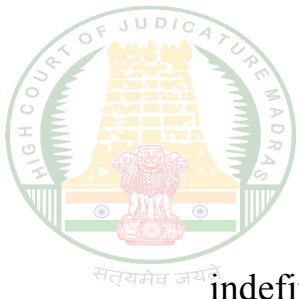
Rs.5,000/-.

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3.The petitioner's daughter T.G.Neha, aged 13 years, has attained puberty. Hence, in their family, they have decided to keep a puberty function for her daughter on 16.06.2025. Since her husband being the head of the family, his presence is required to perform certain rituals. Hence, a representation was given to the 3rd respondent on 06.05.2025, seeking for grant of 21 days ordinary leave to her husband. 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.

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



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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 06.05.2025, 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 two (2) weeks from the date of 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.



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[M.S.R, J.]

[V.L.N, J.]

12.06.2025

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To

1.The Home Secretary
Home Department (Prison)
Secretariat, Fort St. George
Chennai 600 009

2.The Deputy Inspector General of Prison
Coimbatore Zone
Coimbatore

3.The Superintendent of Prison
Central Prison
Salem

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



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