



W.P.Crl.No.44 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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Priyadharshini

... Petitioner

Vs.

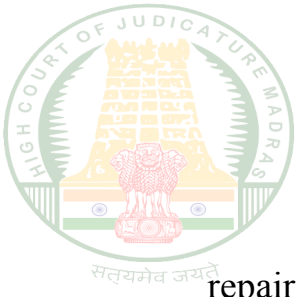
1.The Additional Director General of Police and
Inspector General of Prisons
Whannels Road, Egmore
Chennai 600 008

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

3.The Superintendent of Prison
Cuddalore Central Prison
Cuddalore 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 husband, Convict Prisoner viz. Sivamani, S/o.Kesavan, now confined in 3rd respondent Central Prison, for the purpose of "making arrangements to



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repair the house and get admission to his child in the school, in pursuant to the petitioner's representation dated 24.04.2025.

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 husband, Convict Prisoner viz. Sivamani, S/o.Kesavan, now confined in 3rd respondent Central Prison, for the purpose of making arrangements to repair the house and also to get admission in the school, in pursuant to the petitioner's representation dated 24.04.2025.

2. The petitioner's husband was convicted by the learned Additional Session Court, Cuddalore, in S.C.No.243 of 2016, dated 06.02.2018, for the offence U/s.364 IPC, he was sentenced to undergo 7



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years R.I., for U/s.302 IPC, he was sentenced to undergo life imprisonment and for Section 201 IPC, he was ordered to undergo 2 years imprisonment. The appeal filed in Crl.A.No.446 of 2018, was dismissed by this Court vide its order dated 19.09.2024 and his conviction got confirmed.

3.It is the submission of the learned counsel for the petitioner that the petitioner is the wife of the convict prisoner viz. Sivamani. Due to heavy rain last year, the petitioner's house got damaged heavily. The petitioner is also having a 3 1/2 year old child to send her to school. Hence, the petitioner has sent a representation to the respondents on 24.04.2025 seeking for grant of 30 days ordinary leave to her husband, enabling her to repair her damaged house and also for making arrangements to admit her child in a school. 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



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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 24.04.2025, seeking for ordinary leave to the convict prisoner, if not already disposed of and pass appropriate orders on merits and in



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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.

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

12.06.2025

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Index: Yes / No

Neutral Citation

To

1.The Additional Director General of Police and
Inspector General of Prisons
Whannels Road, Egmore
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2.The Deputy Inspector General of Prison
O/o.Deputy Inspector General of Prison
Vellore Range, Vellore District

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

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