



W.P.Crl.No.60 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.06.2025

CORAM :

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

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Yamuna

...Petitioner/ wife of the detainee

Vs.

1.The State rep. by
The Home Secretary,
Home Department,
Fort St. George, Secretariat,
Chennai.

2.The Deputy Director,
Prisons Department,
Vellore Zone,
Vellore District.

3.The Superintendent,
Central Prison,
Vellore-632 002

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to grant leave of one week to the life convict Ezhumalai, S/o.Raman, aged about 46 years PID No.589525, now confined at Central Prison,



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Vellore for enabling him to participate in the rituals of Mourning Ceremony (Kaariyam) of his mother, who died on 02.06.2025 based on the petitioner's representation dated 05.06.2025.

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

ORDER

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

This Writ Petition has been filed to direct the respondents to grant leave for a period of one week to the life convict viz., Ezhumalai, S/o.Raman, aged about 46 years, PID No.589525, confined at Central Prison, Vellore, for enabling him to participate in the rituals of Mourning Ceremony (Kaariyam) of his mother, who died on 02.06.2025, based on the petitioner's representation dated 05.06.2025.

2. The petitioner states that her husband was convicted in S.C.No.69 of 2018 and was sentenced to under imprisonment for life by the Additional Sessions Court, Fast Track Court, Aarani. Since the



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petitioner's mother-in-law passed away on 02.06.2025 due to illness, she made a representation dated 05.06.2025 before the respondents seeking 28 days ordinary leave for her husband to perform 30th day rituals. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. 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.

5. In view of the above observation, this Court, without going into



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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 05.06.2025 before the respondents seeking ordinary leave to perform 30th day rituals, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of two (2) days from today and communicate the same to the petitioner.

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

No costs.

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

13.06.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

Note: Issue order copy on 13.06.2025

To

1. The Home Secretary,
Home Department,
Fort St. George, Secretariat,
Chennai.

2. The Deputy Director,
Prisons Department,



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Vellore Zone,
Vellore District.

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3.The Superintendent,
Central Prison,
Vellore-632 002

4.The Public Prosecutor,
High Court, Madras.



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