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W.P.Crl.No.57 of 2025

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

W.P.Crl.No.57 of 2025

S.Dharun Prasath

... Petitioner

Vs.

1.The Director General of Police
Inspector General of Police
Prisons and Correctional Service
Egmore, Chennai 600 008

2.The Superintendent of Prison
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 2nd respondent to grant emergency leave for 10 days for the petitioner's father named Siva @ Sivakumar, S/o.Ramalingam, convict prisoner - CT No.36249, Central Prison, Coimbatore.

For Petitioner

: Mr.R.Vivekananthan

For Respondents

: Mr.E.Raj Thilak

Additional Public Prosecutor



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ORDER

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M.S.RAMESH, J.

AND

V.LAKSHMINARAYANAN, J.

This Writ Petition has been filed praying for the issuance of Writ of Mandamus, directing the 2nd respondent to grant emergency leave for 10 days for the petitioner's father named Siva @ Sivakumar, S/o.Ramalingam, convict prisoner - CT No.36249, Central Prison, Coimbatore.

2. The petitioner's father was a convict prisoner for the offence U/s.120(b), 148 and 302 r/w 140 IPC in S.C.No.69 of 2012 and for the offence U/s.120B, 366 r/w 120B, 342, 376(2)(g) IPC and Section 4 r/w 3 of Tamil Nadu Prohibition of Charging Exorbitant Interest, Act in Spl.S.C.No.52 of 2013, by the learned Sessions Judge, Mahila Court, Namakkal.

3.It is the submission of the learned counsel for the petitioner that his father is suffering from piles and taking treatment in the Coimbatore Government Hospital for the past one week as an inpatient. He added



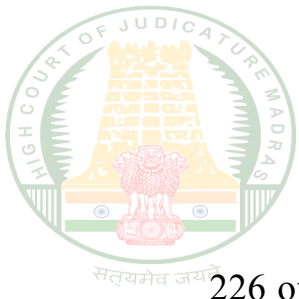
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that his father is suffering from severe pain and his health condition is deteriorated day by day. Hence, the petitioner and his mother would like to treat his father in a private hospital and seeking for a grant of 10 days emergency leave to the life convict. Hence a representation dated 10.06.2025 was submitted to the respondents herein. 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.

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



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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 10.06.2025, 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 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



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Inspector General of Police
Prisons and Correctional Service
Egmore, Chennai 600 008

2.The Superintendent of Prison
Central Prison
Coimbatore

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

M.S.RAMESH, J.
AND



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V.LAKSHMINARAYANAN, J.

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