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W.P.Crl.No.77 of 2025

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

W.P.Crl.No.77 of 2025

Indra

... Petitioner

Vs.

1.The Director General of Prison
O/o of Director General of Prison
Whannels Road, Egmore
Chennai 600 008

2.The Deputy Inspector General of Prison
O/o.Director General of Prison
Whannels Road, Egmore
Chennai District 600 008

3.The Superintendent of Prison
Central Prison Cuddalore
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 9 days emergency leave without escort to the petitioner's son convict prisoner viz. Prakash, S/o.Pulavendran, now confined in Central



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Prison, Cuddalore for the purpose of "attending and performing customary practise in the marriage", in pursuant to the representation dated 03.06.2025.

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 9 days emergency leave without escort to the petitioner's son convict prisoner viz. Prakash, S/o.Pulavendran, now confined in Central Prison, Cuddalore for the purpose of "attending and performing customary practise in the marriage", in pursuant to the representation dated 03.06.2025.

2. The petitioner's nephew was convicted by the learned Sessions Judge Mahila Court, Cuddalore, in S.C.No.62 of 2019, for the offence U/s.5(n) r/w 6 of POCSO Act, and he was ordered to undergo R.I. for 10



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years. The appeal filed in Crl.A.No.342 of 2021, was dismissed by this Court and his conviction got confirmed.

3.The petitioner is the mother of the convict prisoner. The petitioner's daughter is getting married on 26.06.2025 in Karuvalakkarai Melaiyur Saraswathi Mandapam, Cuddalore District. Since the convict prisoner is the brother of the bride, he has to perform all the related customary practises in the function and also needs to participate in the wedding function of his sister. Hence, the petitioner has sent a representation to the respondents on 03.06.2025 seeking for grant of 9 days emergency leave to her son, enabling him to attend the marriage function of his sister, but the same has not been considered by the respondents till date. Hence, 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 03.06.2025, seeking for emergency 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



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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

Note: Issue order copy on 18.06.2025

To

1.The Director General of Prison
O/o of Director General of Prison
Whannels Road, Egmore
Chennai 600 008

2.The Deputy Inspector General of Prison
O/o.Director General of Prison
Whannels Road, Egmore
Chennai District 600 008

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

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