



W.P.Crl.No.139 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.06.2025

CORAM :

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

W.P.Crl.No.139 of 2025

Amutha

... Petitioner

Vs.

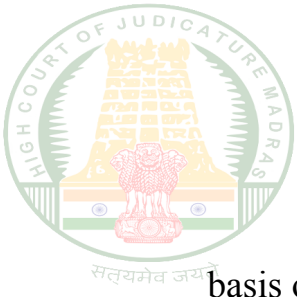
1.The Government of Tamil Nadu
Rep. by its Secretary to Government
Home (Prison-IV) Department
Fort St. George, Chennai - 9

2.The Additional Director General of Prisons
Thalamuthu Natarajan Maaligai
2nd Floor, Gandhi Irwin Road
Egmore, Chennai-8

3.The Superintendent of Prison
Central Prison at Coimbatore
Gandhipuram, Coimbatore 641 018

... 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 emergency leave without escort to the son of petitioner / Convict name Kurinji @ Kurinjinathan, son of Ondiyappan, aged about 33 years in order to undergo heart surgery in a private hospital on the



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basis of petitioner's representation dated 12.06.2025.

For Petitioner : Mr.D.Krishnamoorthy

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 emergency leave without escort to the son of petitioner / Convict name Kurinji @ Kurinjinathan, son of Ondiyappan, aged about 33 years in order to undergo heart surgery in a private hospital on the basis of petitioner's representation dated 12.06.2025.

2. The petitioner's son was convicted under Section 420, 406 and 5 of TNPID Act, 1997, by the learned Special Judg, Special Court under TNPID Act, Coimbatore and suffering rigorous imprisonment. The appeal preferred by him in Crl.A.No.1606 of 2024 is pending before this Court.

3.It is the submissions of the learned counsel for the petitioner that her son owing to chest pain was admitted in Coimbatore Government



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Hospital. After evaluating his health condition, the doctors have suggested to take coronary angiogram. Since the convict prisoner is only 33 years old, better facility and quality care is required for his surgery. During his surgery, the petitioner also wants to stay with her son to provide effective psychological, emotional and moral support to him. Her many efforts to bring her son on bail to perform surgery have failed. The petitioner is also sending one representation after the other and is also filing writ petition after writ petition, but all her efforts are in vain. She is also scared of her son's life. Hence, she has given a representation dated 12.06.2025 to the respondents to grant 30 days leave without escort. 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



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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 12.06.2025, seeking for 30 days emergency / 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.



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No costs.

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[M.S.R, J.]

[V.L.N, J.]

25.06.2025

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Index: Yes / No

Speaking / Non Speaking order

Neutral Citation

Note: Issue order copy on 26.06.2025

To

1.The Secretary to Government
Home (Prison-IV) Department
Fort St. George, Chennai - 9

2.The Additional Director General of Prisons
Thalamuthu Natarajan Maaligai
2nd Floor, Gandhi Irwin Road
Egmore, Chennai-8

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

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