



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-07-2025

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THE HON'BLE MR JUSTICE M.S. RAMESH

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WP CrI. No. 197 of 2025

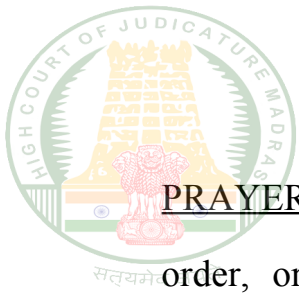
A.Malathy
Wife of Mr.Arul,
Pillayar Koil Street,
Ammankulathumedu Village,
Rettanai Post,
Senji Taluk,
Villupuram District.

..Appellant(s)

Vs

1. The Director General of Prisons,
Whannels Road,
Egmore, Chennai - 600 008.
2. The Superintendent
Cuddalore Central Prison,
Cuddalore.
3. The Chief Medical Officer,
Cuddalore Central Prison,
Cuddalore.
4. The Probation Officer,
Cuddalore Central Prison,
Cuddalore.

..Respondent(s)



PRAYER: To issue a WRIT OF MANDAMUS or any other appropriate writ, order, or direction to the respondents to transfer the petitioner husband, Mr.Arul(PID No.105369) to Cuddalore Open Air Prison, with a time frame fixed by this Honble Court.

For Appellant(s): M/s.Sharath Chandran
E.Aadith Vijay
Harikrishnan R
Harshavarthan G

For Respondent(s): 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 transfer the petitioner husband, Mr.Arul (PID No.105369) to Cuddalore Open Air Prison, with a time frame fixed by this Court.

2. It is submitted that the petitioner's husband is a convict prisoner in Cuddalore Prison. He was sentenced to 10 years R.I. and has undergone 4 years of his sentence. The Tamil Nadu Prison Rules 2024 has expanded the scope of



open-air prisons which not only encompasses reformation, but also certain concession under Rule. Hence a representation was made under Rule 792, seeking to transfer the petitioner's husband to Cuddalore open-air-prison, since he fulfills the eligibility criteria. That apart, none of the conditions which negatives such a request, as codified under Rule 793, is applicable to the petitioner's husband. The representation of the petitioner was taking of file and the 2nd respondent had intimated that the decision is awaited. Aggrieved by the delay in taking decision, this writ petition is filed under Rule 794 of the Prison Rules 2024.

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

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.

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5. 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 10.02.2025, seeking to transfer the petitioner's husband to Cuddalore open-air prison,, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

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

(M.S.R.,J.) (V.L.N.,J.)

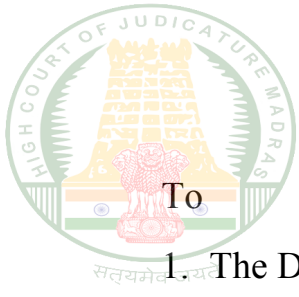
03-07-2025

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

KAS



To 1. The Director General of Prisons,

Whannels Road,
Egmore, Chennai - 600 008.

2. The Superintendent
Cuddalore Central Prison,
Cuddalore

3. The Chief Medical Officer,
Cuddalore Central Prison,
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5. The Public Prosecutor
High Court of Madras
Chennai 600 104



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WP CrI. No. 197 of 2



M.S.RAMESH, J.

AND

V.LAKSHMINARAYANAN, J.

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WP CrI. No. 197 of 2025

03-07-2025