



W.P.Crl.No.190 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.07.2025

CORAM :

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

W.P.Crl.No.190 of 2025

Elakkiya

...Petitioner/ wife of the detenue

Vs.

The State represented by its,
The Superintendent,
Central Prison I,
Puzhal-600 066

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondent to grant emergency leave for 15 days, without escort to the detenue, Balasubramani, S/o.Palanivel, aged about 43 years, Convict No.8271, detained at Central Prison, Puzhal.

For Petitioner : Mr.S.Manoharan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor



W.P.Crl.No.190 of 2025

ORDER

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

This Writ Petition has been filed to direct the respondent to grant emergency leave for 15 days, without escort to the detenue, Balasubramani, S/o.Palanivel, aged about 43 years, Convict No.8271, detained at Central Prison, Puzhal.

2. The petitioner states that her husband was convicted and sentenced to undergo life imprisonment by the learned VI Additional Sessions Judge, Chennai in S.C.No.49 of 2017 dated 29.01.2021. It is further stated that the petitioner's husband has served 4 years of imprisonment and that the petitioner's daughter had an angioplasty 7 years ago and the doctors has now advised her to undergo angioplasty for the second time. Therefore, she made a representation dated 03.06.2025 before the respondent seeking to grant emergency leave for a period of 15 days, without escort for her husband. 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



W.P.Crl.No.190 of 2025

Additional Public Prosecutor appearing for the respondents.

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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 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 before the respondent seeking to grant emergency leave for a period of 15 days, without escort for her husband, 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



W.P.Crl.No.190 of 2025

order and communicate the same to the petitioner.

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6. With the above direction, this Writ Petition (Criminal) stands disposed of. No costs.

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

01.07.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

Anu

To

1.The Secretary to Government of Tamilnadu,
Home Department,
Fort St. George,
Chennai-600 009.

2.The Superintendent,
Coimbatore Central Prison,
Coimbatore.

3.The Public Prosecutor,
High Court, Madras.



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W.P.Crl.No.190 of 2025

M.S.RAMESH, J.



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W.P.Crl.No.190 of 2025

and
V. LAKSHMINARAYANAN, J.

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W.P.Crl.No.190 of 2025

01.07.2025