



W.P.No.29526 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.06.2025

CORAM :

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

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M.Rakku

...Petitioner/ mother of the detenue

Vs.

1. The State Of Tamil Nadu
Rep By The Secretary To
Government, Home, Prohibition
And Excise Department, Secretariat,
Chennai-600 009.

2.The Director General Of Police
DGP Office, Mylapore, Chennai-
600 004.

3.The Superintendent Of Police
Thiruppur District, Thiruppur.

4.The Inspector Of Police
Palladam Police Station,
Thiruppur District.

... Respondents



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 28.09.2024 in accordance with law and direct the respondents 2 to 4 to not to break the arms and legs of the petitioner's son namely Thangaraj, son of Miniyandi, during the police custody.

For Petitioner : Mr.P.Pugalenth
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

This Writ Petition has been filed to direct the respondents to consider the petitioner's representation dated 28.09.2024 in accordance with law, and to further direct the respondents 2 to 4 not to cause any physical harm, including breaking the arms or legs of the petitioner's son namely Thangaraj, son of Miniyandi, while in police custody.

2. The petitioner states that the petitioner's son namely Thangaraj has been confined at Central Prison, Coimbatore as a remand prisoner. It is alleged that the petitioner's son was taken to the police custody and



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was physically assaulted with iron rod. Therefore, she made a representation dated 28.09.2024 before the respondents 2 to 4 seeking not to cause any physical harm, including breaking the arms or legs of the petitioner's son. 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 Additional Public Prosecutor appearing for the respondents.

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 2 to 4 to consider the representation of the petitioner dated 28.09.2024 seeking not to cause any physical harm, including breaking the arms or legs of the petitioner's son, 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, after affording an opportunity of hearing to the petitioner and aggrieved persons, if any.

6. With the above direction, this Writ Petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

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

06.06.2025

(2/3)

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
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5.The Public Prosecutor,
High Court, Madras.



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