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W.P.No.34504 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.34504 of 2024
and W.M.P.No.37404 of 2024

A.Chandra

... Petitioner

Vs.

1.The State represented by its
Additional Chief Secretary
Home (Prison) Department
Secretariat, St. George Fort
Chennai 600 009

2.The Director General of Prison and Correctional Services
Tamil Nadu Prison Department
No.6, Whennals Road, Egmore
Chennai 600 008

3.The Deputy Inspector of General Prison & CS
Office of DIG Prisons & CS, Coimbatore Range
Coimbatore 641 018

4.The Superintendent of Prison
Central Prison for Men
Salem 636 007

... Respondents



W.P.No.34504 of 2024

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent's letter in Moo.mu.No.3814/si.na.2/2023 dated 02.02.2023 and quash the same as illegal and consequently direct the respondents to reconsider petitioner's representation dated 22.07.2024 to transfer petitioner's son Ramalingam S/o.Arumugam CP. No.9328 from Salem Central Prison to Open Air Prison at 5th Thottam, Salem.

For Petitioner	: Mr.R.Diwakaran
For Respondent	: Mr.R.Muniyapparaj Additional Public Prosecutor assisted by Mr.M.Sylvester John

ORDER

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

This petition is filed for the issuance of Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 2nd respondent's letter in Moo.mu.No.3814/si.na.2/2023 dated 02.02.2023 and quash the same as illegal and consequently direct the respondents to reconsider petitioner's representation dated 22.07.2024 to transfer petitioner's son Ramalingam S/o.Arumugam CP. No.9328 from Salem Central Prison to Open Air Prison at 5th Thottam, Salem.



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2. The petitioner is the mother of the life convict A.Ramalingam.

She has submitted a representation to the respondents on 19.12.2022 seeking to transfer her son from Central Prison, Coimbatore to the Open Air Prison at 5th Thottam, Salem. The said representation was not considered by the respondents. Hence, she preferred a petition in W.P.No.1506 of 2023 before this Court, which was disposed of with a direction to the respondents to consider the request of the petitioner, but the same was rejected by the prison authorities on the ground that there are chances for him to escape from the prison. Since the petitioner's son has completed his 10th Std in 2021 and 12th Std. in 2024 from the prison school, and the parents of the convict prisoner are also very aged and sick, and they are in need of his support to take care of them, the representation of the petitioner may kindly be re-considered as the prisoner is neither a gangster nor a habitual offender. This Court may direct the respondents to reconsider the representation of the petitioner keeping in mind the disciplined behaviour of the prisoner and shall provide all the remission marks that he entitles as per the Tamilnadu Prison Manual Rules 313, 318, 325(6) which will ensure his early



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release. Hence, the petitioner has sent representations to the respondents on 02.03.2024, 22.07.2024 and 10.09.2024, but till now there is no response from the respondents herein. Hence, the present 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.

5. In view of the above observation, this Court, without going into the merits of the petitioner's representation or the contentions of the



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petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 10.09.2024, seeking for transfer from Salem Central Prison to the Open Air Prison at 5th Thottam, Salem, 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.

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

No costs. Consequently, the connected miscellaneous petition is closed.

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

19.02.2025

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Index: Yes/No

Speaking/Non-speaking order

Note: Issue order copy on .02.2025



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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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To

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Secretariat, St. George Fort
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2.The Director General of Prison and Correctional Services
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High Court of Madras
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