



W.P.(Clr.)No.843 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-09-2025

CORAM:

THE HONOURABLE MRS. JUSTICE **J. NISHA BANU**

AND

THE HONOURABLE MR. JUSTICE **S. SOUNTHAR**

W.P.(Crl.)No.843 of 2025

Neelambal

W/o Subramanian

... Petitioner

Vs.

1. The State rep. by its
Home Secretary,
Secretariat,
Fort St.George,
Chennai - 600 009.

2. The Additional Director General of Police,
Whannels Road, Egmore,
Chennai - 600 008.

3. The Superintendent of Prison,
Central Prison
Trichy

4. The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District,
Crime No.31 of 2022.

... Respondents

PRAYER: The Writ Petition has been filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to grant leave without escort to the petitioner (PID



W.P.(Clr.)No.843 of 2025

No.404518) now confined in Special Prison for Women, Central Prison, Trichy to undergo medical treatment to cure the cancer in petitioner's right breast and also to block the further spreading of cancer cell in the other parts of the body at private hospital at petitioner's own expenses and to stay at petitioner's residence along with the petitioner's relative until the cancer is cured as eligible under Tamil Nadu Suspension of Sentence Rules, 1982.

For Petitioner : Mr.A.Kalaivanan

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

(The order of the Court was made by J.Nisha Banu,J.)

This Writ Petition has been filed seeking for a Writ of Mandamus to direct the respondents to grant leave without escort to the petitioner (PID No.404518) now confined in Special Prison for Women, Central Prison, Trichy to undergo medical treatment to cure the cancer in petitioner's right breast and also to block the further spreading of cancer cell in the other parts of the body at private hospital at petitioner's own expenses and to stay at petitioner's residence along with the petitioner's relative until the cancer is cured as eligible under Tamil Nadu Suspension of Sentence Rules, 1982.

2. Heard the learned counsel for the petitioner and the learned



W.P.(Clr.)No.843 of 2025

Additional Public Prosecutor appearing for the respondents.

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3. The petitioner is suffering from cancer. Though the petitioner has prayed to grant leave to her without escort, it is seen from the records that the petitioner has made a representation to the authorities and the same has not been consider so far.

4. It is needless to point out that whenever a representation 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. Therefore, this Court, without going into the merits of the petitioner's representation or the contentions of the affidavit filed in support of this Writ Petition, directs the 3rd respondent to consider the representation of the petitioner dated 05.08.2025, seeking to grant leave



W.P.(Clr.)No.843 of 2025

to the petitioner, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks from today and communicate the same to the petitioner.

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

(J.NISHA BANU, J.) (S. SOUNTHAR, J.)

16-09-2025

vsi

To

1. The State rep. by its
Home Secretary, Secretariat,
Fort St.George, Chennai - 600 009.
2. The Additional Director General of Police,
Whannels Road, Egmore, Chennai - 600 008.
3. The Superintendent of Prison,
Central Prison, Trichy
4. The Inspector of Police,
Udayarpalayam Police Station,
Ariyalur District.
5. The Public Prosecutor,
High Court of Madras, Chennai.



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W.P.(Clr.)No.843 of 2025

J. NISHA BANU, J.
and
S. SOUNTHAR, J.

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W.P.(Crl.)No.843 of 2025

16-09-2025