



WEB COPY



W.P.No.36893 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.36893 of 2024

Tamilkodi

... Petitioner

Vs.

1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Inspector General of Prisons,
Prison Head Quarters,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison,
Salem.

4.The Superintendent of Prison,
Central Prison,
Cuddalore.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to permanently transfer the petitioners husband Mohan @ Mohankumar S/o. Sivagnanam aged 42 years (Convict Prisoner No. 5090) from central Prison Salem to Central Prison Cuddalore.

For Petitioner

: Mr.P.M.Basil



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W.P.No.36893 of 2024

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

The Writ Petition has been instituted for directing the respondents to permanently transfer the petitioners husband Mohan @ Mohankumar S/o. Sivagnanam aged 42 years (Convict Prisoner No. 5090) from central Prison Salem to Central Prison Cuddalore.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. 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.



W.P.No.36893 of 2024

4. 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 05.11.2024, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of two weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

5. With the above direction, this Writ Petition stands disposed of. No costs.

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

09.01.2025

Index: Yes/No
Speaking/Non-speaking order
gd



WEB COPY



W.P.No.36893 of 2024

S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

gd

To

- 1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Inspector General of Prisons,
Prison Head Quarters,
Egmore, Chennai – 600 008.
- 3.The Superintendent of Prison,
Central Prison,
Salem.
- 4.The Superintendent of Prison,
Central Prison,
Cuddalore.
- 5.The Public Prosecutor,
High Court of Madras.

W.P.No.36893 of 2024

09.01.2025