



WEB COPY



W.P.No.39443 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.39443 of 2024

Saraswathi Devi

... Petitioner

Vs.

- 1.The Government of Tamil Nadu,
Rep.by its Secretary to Government,
Home (Prison IV) Department,
Fort St.George, Chennai- 9.
- 2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai- 8.
- 3.The Superintendent of Central Prison,
Vellore – 2.
- 4.The State represented by
Inspector of Police,
All Women Police Station,
Hosur,
Krishnagiri District
(Crime No.28 of 2015)

... 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 grant leave without escort for 30 days to the petitioner's husband/detenué namely Rajesh Sharma, Life Convict No.3289, detained at Central Prison, Vellore.

For Petitioner : Mr.R.Parthiban
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court is made by **S.M.SUBRAMANIAM, J.**]

The writ petition has been instituted to direct the respondents to grant leave without escort for 30 days to the petitioner's husband/detenué namely Rajesh Sharma, Life Convict No.3289, detained at Central Prison, Vellore.

2. The petitioner states that her husband was convicted by the Learned Sessions Judge, Fast Track Mahila Court, Krishnagiri District in Spl.S.C.No.42 of 2015 dated 05.09.2018 under Section 376 of IPC and Section 5 (l) r/w 6 of POCSO Act and Section 5 (n) r/w 6 of POCSO Act and sentenced to life imprisonment. The petitioner submitted a representation to the respondents on 24.10.2024, requesting leave. Since the respondents have



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yet to consider the representation, the petitioner has filed this writ petition.

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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. Consequently, this Court is justified in invoking its extraordinary powers under Article 226 of Constitution of India and directing the authorities to consider the representation within a stipulated time frame.

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 24.10.2024, seeking ordinary leave for 30 days, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of one (1) week from today (02.01.2025) and communicate the same to the petitioner.



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

[S.M.S., J.] [M.J.R., J.]
02.01.2025

Index : Yes
Neutral Citation : Yes
Speaking order / Non-speaking order

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To

- 1.The Secretary to Government,
Home (Prison IV) Department,
Fort St.George, Chennai- 9.
- 2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
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Madras High Court.

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