



WEB COPY



W.P.No.37931 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2025

CORAM :

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

W.P.No.37931 of 2024

Mr. Nanjil Mugilan

... Petitioner

Vs.

1. The State represented by its,
The Home Secretary to Government,
Home (Prison-IV) Department, Secretariat,
Fort St. George, Chennai 600 009.
2. The Director General of Prisons,
Gandhi Irwin Road,
CMDA Building,
2nd Tower, Egmore, Chennai - 600 008.
3. The Superintendent of Prison,
Central Prison at Salem,
Hasthampatty, Salem- 7.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus directing the first respondent to consider the petitioner's representation dated 11.11.2024 under G.O.(Ms) No.64 dated 01.02.2018 passed by the 1st respondent within time limit and



W.P.No.37931 of 2024

consequently direct the respondents to release the convict prisoner/father of the petitioner, namely, Mr.Dhanapal S/o. Angamuthu (CT No.6944) who is confining at Central Prison, Salem.

For Petitioner : Mr. M. Mohamed Saifulla
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 first respondents to consider the representation dated 11.11.2024 submitted by the petitioner under G.O.(Ms) No.64 dated 01.02.2018.

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



W.P.No.37931 of 2024

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.

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 11.11..2024, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of three months 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. Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[M.J.R., J.]

08.01.2025

Index: Yes/No

Speaking/Non-speaking order

mrp



W.P.No.37931 of 2024

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

mrp

1. The Home Secretary to Government,
Home (Prison-IV) Department, Secretariat,
Fort St. George, Chennai 600 009.
2. The Director General of Prisons,
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CMDA Building,
2nd Tower, Egmore, Chennai - 600 008.
3. The Superintendent of Prison,
Central Prison at Salem,
Hasthampatty, Salem- 7.
4. The Public Prosecutor,
High Court of Madras.

W.P.No.37931 of 2024

08.01.2025