



W.P.No.39582 of 2024

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

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Vanitha

... Petitioner

Vs.

1.The Home Secretary
Secretary to Government of Tamilnadu
Fort St.George,
Chennai-600 009.

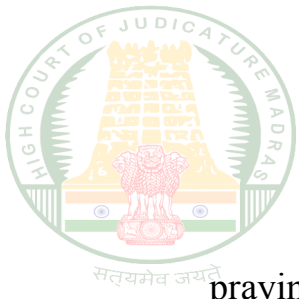
2.The Director General of Prisons and Correctional Services
Whannels Road
Egmore
Chennai-600 008

3.The Superintendent of Prison
Central Prison
ATT Colony, Gopalapuram
Coimbatore 641 018

4.The Jailer
Central Prison
ATT Colony, Gopalapuram
Coimbatore 641 018

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



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praying for the issuance of Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 03.12.2024 and consequently direct the respondents to admit the petitioner's husband, Balamurugan at the Government Dental Hospital, Coimbatore and to provide him with adequate medical treatment without any delay.

For Petitioner : Mr.G.Yuvaraj

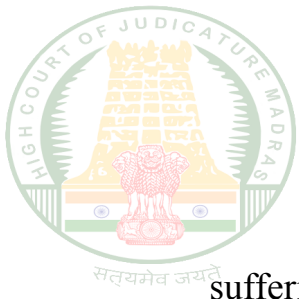
For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvestor John

ORDER

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

The petitioner herein, who is the wife of the life convict viz. Balamurugan, has come forward with this Writ Petition seeking for a direction to consider her representation sent to the respondents on 03.12.2024 through R.P.A.D.

2. The petitioner states that her husband was convicted in S.C.No.76 of 2022 for the offence U/s.148, 120(b) r/w 302, 341, 506(ii) and 34 r/w 302 I.P.C. and he is confined at Central Prison, Coimbatore. When the petitioner visited her husband in the prison, she found that he is



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suffering from heavy pain in his lower teeth row, due to which he is unable to chew any solid foods and he is only taking semi solid and liquid foods, thereby there is a drastic weight loss. When the same was enquired, she came to know that he is taking only pain killer as advised by the prison doctors. The doctors have also advised him to undergo root canal surgery as soon as possible. Since the said facility is not available inside the prison, he had to be taken to the Government Dental Hospital for providing appropriate medical treatment. Even though her husband had made several oral requests to the 3rd and 4th respondents herein and all the other prison officials, till date he did not receive any proper response from the respondents. Hence, the petitioner has sent a written representation through R.P.A.D. to the respondents to provide adequate medical treatment to her husband on 03.12.2024. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

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



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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 petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 03.12.2024, seeking for medical treatment to the convict prisoner, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of one (1) week from the date of receipt of a copy of this order and communicate the same to the petitioner.



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

No costs.

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

20.02.2025

kas

Index: Yes/No

Neutral Citation

Note: Issue order copy on .02.2025

To

1. The Home Secretary
Secretary to Government of Tamilnadu
Fort St. George,
Chennai-600 009.

2. The Director General of Prisons and Correctional Services
Whannels Road
Egmore
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3.The Superintendent of Prison
Central Prison
ATT Colony, Gopalapuram
Coimbatore 641 018

4.The Jailer
Central Prison
ATT Colony, Gopalapuram
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5.The Public Prosecutor,
High Court,
Madras.

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