



W.P.No.39021 of 2024

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

W.P.No.39021 of 2024

Jaleel Ahmed

...Petitioner/father of the detenue

Vs.

1.The Home Secretary,
State of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.The Superintendent of Prison,
Central prison, Puzhal,
Chennai -600 066

3.Union of India rep. by its
Inspector of Police,
National Investigation Agency,
Chennai-600 010.
(Ref: R.C.No.01/2024/NIA/CHE)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to provide with required medication and immediate treatment to the



W.P.No.39021 of 2024

petitioner's son, Aziz Ahmed, S/o.Jaleel Ahmed in the private hospital of his choice in New Leela Speciality Hospital within a time frame fixed by this Court by considering the petitioner's representation dated 28.11.2024.

For Petitioner : Mr.I.Abdul Basith

For Respondent : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John
for R1 & R2
Mr.R.Kathikeyan
Special Public Prosecutor for R3

ORDER

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

This Writ Petition has been filed to direct the respondents to provide the petitioner's son viz., Aziz Ahmed, S/o.Jaleel Ahmed, required medication and immediate treatment in New Leela Speciality Hospital, within a time frame fixed by this Court by considering the petitioner's representation dated 28.11.2024.

2. The petitioner states that his son was arrested by the third



W.P.No.39021 of 2024

respondent in connection with R.C.No.01/2024/NIA/CHE dated 04.06.2024 for the offence under Sections 13 and 18 of Unlawful Activities (Prevention) Act, 1967 r/w Sections 120B, 121A, 122 and 153B IPC and was remanded to judicial custody on 30.08.2024 and has been currently lodged at Central Prison, Puzhal. Since the petitioner's son has a severe medical complication as he has irregular heartbeat and 50% functioning capacity of the lungs, the petitioner's family were recommended a Cardiologist in New Leela Speciality Hospital for cardiac electro physiological ablation surgery. Therefore, the petitioner made a representation dated 28.11.2024 before the respondents seeking to provide required medication and immediate treatment in the aforesaid hospital. 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 1 and 2 and the learned Special Public Prosecutor for the third respondent.

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



W.P.No.39021 of 2024

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 28.11.2024, seeking to provide required medication and immediate treatment in New Leela Speciality Hospital, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of two (1) week from the date of receipt of a copy of this order and communicate the same to the petitioner.

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

No costs.



WEB COPY



W.P.No.39021 of 2024

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

20.02.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

Anu

To

1.The Home Secretary,
State of Tamil Nadu,
Fort St. George,
Chennai-600 009.

2.The Superintendent of Prison,
Central prison, Puzhal,
Chennai -600 066

3.The Inspector of Police,
National Investigation Agency,
Chennai-600 010.

4.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.39021 of 2024

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

Anu

W.P.No.39021 of 2024

20.02.2025