



WEB COPY



W.P.No.38955 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2025

CORAM :

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

W.P.No.38955 of 2024

M.Nithya

... Petitioner

Vs.

1.The Deputy Inspector General of Prison
Vellore Range,
Vellore – 632 002.

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

... 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 consider the representation of the petitioner dated 11.12.2024 and to grant 10 days emergency leave to the petitioner's husband D.Maruthupandiyan S/o.Duraisamy aged 50 years (PID No.366486) convict prisoner No.16997 now confined in the Central Prison, Cuddalore.

For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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The Writ Petition has been instituted for directing the respondents to consider the representation of the petitioner dated 11.12.2024 and grant 10 days emergency leave to the petitioner's husband D.Maruthupandiyan s/o.Duraisamy Convict Prisoner No.16997 now confined in the 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.

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



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the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 11.12.2024, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of one week 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.]

03.01.2025

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

To

1.The Deputy Inspector General of Prison
Vellore Range,
Vellore – 632 002.

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

3.The Public Prosecutor,
Madras High Court,
Chennai - 104.



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