



W.P.No.849 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2025

CORAM :

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

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Theerthamalai

... Petitioner

Vs.

1. The State represented by its,
The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai 600 009.

2. The Director Inspector General of Prison,
Coimbatore Range,
Central Prison,
Coimbatore - 600 008.

3. The Superintendent,
Central Prison,
Coimbatore-600 066

... Respondents

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 ordinary leave for 30 days to the petitioner's son, the detinue, Prabhu S/o. Theerthamalai, aged about 32 years, convict no.23444 detained at Central Prison, Coimbatore.

For Petitioner

: Mr. P. Divya



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For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.JOTHIRAMAN, J.)

The Writ Petition has been instituted for directing the respondents to grant ordinary leave for 30 days to the petitioner's son, the detenue, Prabhu S/o. Theerthamalai, aged about 32 years, convict no.23444 detained at Central Prison, Coimbatore.

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



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to consider the same within a stipulated time.

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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 13.11.2024, 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.]

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Index: Yes/No

Speaking/Non-speaking order

mrp



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

mrp

1. The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai 600 009.
2. The Director Inspector General of Prison,
Coimbatore Range,
Central Prison,
Coimbatore - 600 008.
3. The Superintendent,
Central Prison,
Coimbatore-600 066
4. The Public Prosecutor,
High Court of Madras.

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