

Moorthy vs the State Represented by Its,

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Court : Chennai

Decided On : Jan-29-2025

Judge : Honourable Mr Justice S.M. Subramaniam, Honourable Mr. Justice M. Jothiraman

Appeal No. : WP/3065/2025

Appellant : Moorthy

Respondent : The State Represented by Its,

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.01.2025

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM AND THE
HONOURABLE MR. JUSTICE M.JOTHIRAMAN W.P.No.3065 of 2025
Moorthy ... 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 Deputy Inspector General of Prison, Vellore Range,

3. The Superintendent,

Central Prison, Vellore, Vellore - 632 001. ... Respondents PRAYER:
Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider the petitioner's mother's representation to grant ordinary leave for 21 days without escort to the detenu, Moorthi, S/o. Renugopal, aged about 27 years, bearing Convict No.3961, confined at Central Prison, Vellore.

For Petitioner : Mr.M.Ezhilarasu 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 to direct the respondents to consider the representation of the petitioner's mother dated 21.10.2024 to grant ordinary leave for 21 days without escort to the detenu, Moorthi, S/o. Renugopal, aged about 27 years, bearing Convict No.3961, confined at Central Prison, Vellore.

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 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's mother dated 21.10.2024, 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.] 29.01.2025 Index : Yes/No Speaking Order : Yes/No Neutral Citation : Yes/No veda To

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 Deputy Inspector General of Prison, Vellore Range,

3. The Superintendent, Central Prison, Vellore,

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

S.M.SUBRAMANIAM, J.

AND

M.JOTHIRAMAN, J.

veda W.P.No.3065 of 2025 29.01.2025

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