



W.P.No.8407 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

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SARASU

...Petitioner/ mother of the detainee

Vs.

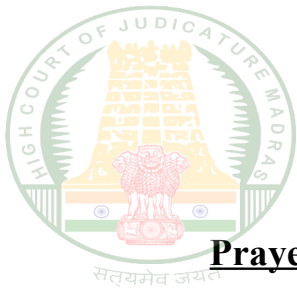
1. The State Of Tamilnadu
Rep. By The Principal Secretary To Government,
Home (prisons) Department,
Secretariat, Fort St. George,
Chennai 09

2.The Additional Director General Of Police
Director General Of Police Of Prisons And Correctional Services
TN Prison Head Quarters,
Whannels Road,
Egmore, Chennai 08

3.The Deputy Inspector General Of Police
Of Prisons (chennai Range)
TN Prison Head Quarters,
Whannels Road, Egmore,
Chennai 08

4.The Superintendent Of Prisons
Central Prison,
Salem-7, Salem District

... Respondents



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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 prematurely release the petitioner's son viz., Perumal son of Raji (ENR Convict No.982) who is a life convict at Central prison, salem on the basis of the government order issued by the 1st respondent in G.O (Ms) No.430, Home (prison IV) department, dated 11.08.2023 or under advisory board proceedings under Rule 341 of the Tamil nadu Prison rules or any other appropriate order or Government scheme in accordance with law within the time stipulated by this Court by considering the representation of the petitioner dated 31.12.2024.

For Petitioner : Mr.M.R.Elavarasan

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

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

This Writ Petition has been filed to direct the respondents to prematurely release the petitioner's son viz., Perumal son of Raji (ENR Convict No.982), who is a life convict at Central prison, salem on the basis of the government order issued by the 1st respondent in G.O (Ms)



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No.430, Home (prison IV) department, dated 11.08.2023 or under advisory board proceedings under Rule 341 of the Tamil nadu Prison rules or any other appropriate order or Government scheme in accordance with law within the time stipulated by this Court, by considering the representation of the petitioner dated 31.12.2024.

2. The petitioner states that her son was convicted for the offence under Sections 120B, 147 364, 302 r/w Section 149, 201 r/w Section 302 IPC and sentenced to undergo imprisonment of life by the learned II Additional District and Sessions Judge, Salem in S.C.No.179 of 2012 dated 19.06.2013. It is further stated that the petitioner's son is a handicapped with personal disability and has undergone 11 years of imprisonment with a good conduct. Therefore, the petitioner made a representation dated 31.12.2024 before the respondents seeking for premature release of the convict prisoner. 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 31.12.2024 before the respondents seeking for premature release of the convict prisoner, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of three (3) months 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]

11.03.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

To

1.The Principal Secretary To Government,
Home (prisons) Department,
Secretariat, Fort St. George,
Chennai 09

2.The Additional Director General Of Police
Director General Of Police Of Prisons And Correctional Services
TN Prison Head Quarters,
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3.The Deputy Inspector General Of Police
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5.The Public Prosecutor,
High Court, Madras.

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