

**IN THE HIGH COURT OF JUDICATURE AT HYDERABAD
FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

WRIT PETITION NO.37470 OF 2015

DATED 20th NOVEMBER, 2015

Between:

Narasaiah

.. Petitioner

and

The State of Telangana, rep. by its
Principal Secretary to Government,
Government of Telangana, Home
(Legal) Department and others

.. Respondents

THE HON'BLE SRI JUSTICE SANJAY KUMAR

WRIT PETITION NO.37470 OF 2015

ORDER

The grievance of the petitioner is that the State of Telangana represented by its Principal Secretary to Government, Home (Legal) Department, is not passing any orders upon the representation made by the petitioner for release of his brother on parole despite positive recommendations made by all the authorities concerned.

In this regard, reference is made to the fact that the District Probation Officer, Medak, addressed letter dated 03.08.2015 to the Superintendent, Central Prison, Warangal, recommending that the petitioner's brother be released on one month parole owing to the circumstances recorded therein. Acting upon this recommendation, the Superintendent, Central Prison, Warangal, addressed letter dated 12.08.2015 to the Principal Secretary, Home (Legal) Department, Government of Telangana, requesting that parole be sanctioned to the petitioner's brother. The Superintendent of Police, Medak District, also addressed letter dated 03.09.2015 to the Superintendent, Central Prison, Warangal, recommending the release of the petitioner's brother with the condition that his movements should be restricted only to his maternal uncle's place. It appears that a verification report was solicited from the Superintendent of Police, Medak, in this regard by the Principal Secretary to Government, Home (Legal) Department, Government of Telangana, under letter dated 07.09.2015 and in response thereto, the Superintendent of Jails, Central Prison, Warangal, addressed letter dated 19.09.2015 to the Government.

Despite the aforestated recommendations at different levels, the Principal Secretary, Home (Legal) Department, Government of Telangana, is yet to take a decision in the matter.

As the matter is pending consideration before the competent authority, it is not for this Court to decide as to whether the petitioner's brother should be released on parole. It is for the Principal Secretary concerned to take into consideration the various recommendations made by the authorities and pass appropriate orders in the matter in accordance with law. It is not open to the Principal Secretary to sleep over such a matter, as the liberty of an individual is at stake and law vests him with the power and obligation to exercise his discretion judiciously in this regard.

The writ petition is disposed of directing the first respondent to pass appropriate reasoned orders in the matter in accordance with law expeditiously and in any event, not later than two weeks from the date of receipt of a copy of this order. Pending miscellaneous petitions shall stand closed in the light of this final order. No order as to costs.

SANJAY KUMAR, J

20th NOVEMBER, 2015

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