

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.02.2019

CORAM:

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.29945 of 2016

Sivathy

... Petitioner

Vs.

The State represented by,

1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort. St. George,
Chennai - 600 009.

2.The Additional Director General of Prison,
C.M.D.A Towers,
Egmore,
Chennai - 600 008.

3.The Superintendent of Prison,
Central Prison - I,
Puzhal,
Chennai.

...Respondents

Prayer : Writ petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the Respondents to consider the petitioner's representation dated 17.02.2016 and consecutively direct the respondents to be placed the case of Petitioner's father, the detenue, Kamalananda, Aged about 65 years, S/o. Rasanayagam, Convict No.4220 detained at Central Prison-I Puzhal, before the advisory board under rule 341 of Tamilnadu prison rule 1983 and 433A of Cr.P.C and under article 161 of the constitution.

For Petitioner : Mr.S.Manoharan

For RR1 to R3 : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This petition has been filed to direct the Respondents to consider the petitioner's representation

dated 17.02.2016 and consecutively direct the respondents to be placed the case of Petitioner's father, the detainee, Kamalananda, Aged about 65 years, S/o. Rasanayagam, Convict No.4220 detained at Central Prison-I Puzhal, before the advisory board under rule 341 of Tamilnadu prison rule 1983 and 433A of Cr.P.C and under article 161 of the constitution.

2. The prayer in this petition is to direct the respondents to place the case of the Petitioner's father, the detainee, Kamalananda before the advisory board under rule 341 of Tamilnadu Prison Rule 1983 and 433A of Cr.P.C and under article 161 of the constitution.

3. It seems that the petitioner submitted representation in the year 2016. Now three years have been lapsed and recent Government orders have also been passed in respect of premature release. Therefore, the prayer sought for in this petition has become infructuous. However, considering the facts and circumstances of the case, the petitioner is at liberty to submit a fresh representation on the basis of G.O.No.64 Prison Department dated 01.02.2018 within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the said representation, the third respondent is directed to consider the same and pass order on merits in accordance with law within a period of four weeks thereafter.

4. With the above observations this writ petition stands disposed of. No Costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

pds/lok

To

1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort. St. George,
Chennai - 600 009.

2.The Additional Director General of Prison,
C.M.D.A Towers,
Egmore,
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3.The Superintendent of Prison,
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Chennai.

4.The Additional Public Prosecutor,
High Court of Madras.

W.P.No.29945 of 2016

gj (CO)
A.SK(22/04/2019)