

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 22.03.2021
CORAM

THE HONOURABLE MR.JUSTICE T.RAJA
AND
THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.No.7362 of 2021

Thiyagarajan
S/o Shankar

.. Petitioner

-vs-

1. The State of Tamil Nadu
rep.by its Secretary
Department of Home (Prison)
Secretariat, Fort St.George
Chennai 600 009
 2. The Additional Director General of Prisons
Wanels Road, Egmore
Chennai 600 008
 3. The Superintendent of Prison
Central Prison
Madurai 625 016
- .. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issue of a Writ of Mandamus, directing the first respondent to consider the representation of the petitioner dated 28.12.2020 based as per recommendation of Advisory Board to pass order as expeditiously as possible the same.

For Petitioner :: Mr.R.Sankarasubbu

For Respondents :: Mr.R.Prathap Kumar
Additional Public Prosecutor

ORDER
(Order of the Court was made by T.RAJA, J.)

This writ petition has been filed seeking for issuance of a mandamus directing the Secretary to Government, Home (Prison) Department, Chennai, the first respondent herein to consider the representation of the petitioner dated 28.12.2020, on the basis of the recommendation of the Advisory Board, as expeditiously as possible.

2. Mr.R.Sankarasubbu, learned counsel appearing for the petitioner pleaded that the petitioner's son is undergoing life imprisonment for the offence committed when he was 19 years old and he has been in jail for the past 18 long years. During the 18 long years of incarceration, the petitioner's son has been showing good conduct, for which he was also granted 60 times parole on various reasons. Although the petitioner's son did not pass +2 at the time of his conviction, in view of the good conduct, for which he has been given the benefit of 60 paroles, he had pursued his further studies and also passed +2, B.A., M.A., Diploma in Four Wheeler mechanism, besides undergoing the computer course conducted by IGNOU. In addition thereto, he has also got the excellence certificate in the National Pencil drawing contest and this apart, he has also donated his two eyes to the Government Hospital, Madurai. That shows that the petitioner's son has completely reformed himself and also shown good conduct. Learned counsel appearing for the petitioner also submitted that when the matter stands as above, the petitioner's son got married and has got two daughters. The petitioner is now aged 78 years and his wife is aged 71 years. He also submitted that the Probation Officer, Tahsildar and the Revenue Divisional Officer have also given positive certificates showing that the petitioner's son has totally reformed, therefore, he is entitled to get the benefit of G.O.(Ms)No.64, Home (Prison IV) Department dated 1.2.2018. The wife of the life convict has submitted a representation on 6.3.2019 and the same has not been considered. One more representation has also been submitted by the petitioner on 28.12.2020 and the same is also pending. As the respondents should have considered the same on the ground that the petitioner's son has shown good conduct and also reformed himself, in spite of the fact that the petitioner's son has donated his two eyes and also passed the B.A., M.A., Degree examinations, Diploma in Four Wheeler mechanism, computer course conducted by IGNOU, a direction be issued to the respondents to consider the representation of the petitioner on the basis of the G.O.(Ms)No.64, Home (Prison IV) Department dated 1.2.2018. Moreover, the Advisory Board has also sent a proposal for his release applying the said Government Order.

3. It is at this stage, Mr.R.Prathap Kumar, learned Additional Public Prosecutor appearing for the respondents submitted that although the Advisory Board has sent a proposal stating that the petitioner's son has shown good conduct and also acquired B.A., M.A., Degrees, Diploma in Four Wheeler mechanism, computer course conducted by IGNOU and has also donated his two eyes to the Government Hospital, Madurai, if sufficient time is granted, due to the State Assembly elections, his representation would be considered on merits.

4. Since the representation of the petitioner has been submitted on 28.12.2020 and the petitioner's son has acquired B.A., M.A., Degrees, Diploma in Four Wheeler mechanism, computer course conducted by IGNOU and has also donated his two eyes to the Government Hospital, Madurai during the past 18 years of incarceration and that the Advisory Board has also sent a proposal, on the basis of G.O.(Ms.)No.64, Home (Prison IV) Department dated 1.2.2018, we hereby direct the first respondent to consider the pending representation dated 28.12.2020 on merits and pass appropriate orders within a period of ten weeks from the date of receipt of a copy of this order. With this direction, the writ petition stands disposed of.

Speaking/Non speaking order (T.R.,J.)
(G.C.S., J.)
Index : yes
22.03.2021

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Secretary to Government
Department of Home (Prison)
Secretariat, Fort St.George
Chennai 600 009
2. The Additional Director General of Prisons
Wanels Road, Egmore
Chennai 600 008
3. The Superintendent of Prison
Central Prison, Madurai 625 016.

+1cc to Mr.R.Sankarasubbu, Advocate, SR.No.18668.

W.P.No.7362 of 2021

GPL (CO)
CSR 08.04.2021