

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.05.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

and

The HONOURABLE MR.JUSTICE SETHILKUMAR RAMAMOORTHY

Writ Petition No.11997 of 2021

Visalakshi

... Petitioner

Vs

1. The Additional Director General of Police
and Inspector General of Prison,
Tamil Nadu Prison Department,
Egmore, Chennai - 600 008.
2. The Secretary to Government,
Home (Prison) Department,
Fort St. George, Chennai - 600 009.
3. The Superintendent of Prison,
Central Prison - I, Puzhal, Chennai.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to Writ of Mandamus directing the 1st to 3rd respondents to release the petitioner's husband, namely Nagendran S/o, Ponnusamy aged 54 years, (serving as life convict No.1236) on parole for a period of 30 days enabling him to prevent from the surge of pandemic disease of Covid -19.

For Petitioner : Mr.M.R.Senthil Kumar

For Respondents : Mr.R.Muniyapparaj,
Government Advocate (Crl. Side)

O R D E R

(Order of the Court was made by Dr.ANITA SUMANTH,J.)

Mr.R.Muniyapparaj, learned Government Advocate accepts notice for the respondents and is armed with instructions to proceed with the matter. Hence, by consent of both sides, this Writ Petition is disposed finally even at the stage of admission.

2. The petitioner seeks a mandamus directing R1 to R3, viz., The Additional Director General of Police and Inspector General of Prison, the Secretary to Government and the Superintendent of Prison, Central Prison - I, Puzhal to release her husband Nagendran S/o Ponnusamy, who is serving a life sentence (life convict No.1236) in the Puzhal prison. The petitioner has filed the representation before R2 on 10.05.2021 and on the very next day filed the present Writ Petition. We are thus of the considered view that the Writ Petition is pre-mature and the petitioner has rushed to Court.

3. Be that as it may, Mr.Muniyapparaj would state that he has no objection to the Court passing an order directing R2 - Secretary to Government, Home (Prison) Department to consider and dispose the representation of the petitioner dated 10.05.2021 within the time frame fixed by the Court.

4. The mandamus sought is thus achieved and there is a direction to R2 to consider the representation of the petitioner dated 10.05.2021 and pass orders in accordance with law and taking note of the judgment of the Supreme Court in the case of In Re:Contagion of Covid 19 Virus in Prisons (Suo Motu Writ Petition (c) No.1/2020 dated 07.05.2021, within a period of three (3) weeks from today.

5. The Writ Petition is disposed. No costs.

Sd/-

Assistant Registrar(CS)

//True Copy//

Sub Assistant Registrar

sl

To

1. The Additional Director General of Police and Inspector General of Prison, Tamil Nadu Prison Department, Egmore, Chennai - 600 008.
2. The Secretary to Government, Home (Prison) Department, Fort St. George, Chennai - 600 009.
3. The Superintendent of Prison, Central Prison - I, Puzhal, Chennai.
- 4.The Public Prosecutor, High Court, Madras - 104.

Writ Petition No.11997 of 2021

A.SK(20.05.2021)

<https://hcservices.ecourts.gov.in/hcservices/>