



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD No.3351 of 2021

and

W.M.P. (MD) .No.5262 of 2021

M.Pushpa

... Petitioner/Sister of the detenu
-vs-

1.State of Tamil Nadu

represented by the Secretary to Government,
Home (Prison IV) Department,
Secretariat, Fort St. George,
Chennai 600 009.

2.The Additional Director General of Prison,
Egmore,
Chennai 600 008.

3.The Superintendent of Prison,
Central Prison,
Madurai.

4.The District Collector,
Madurai District.
(R4 is *suo motu* impleaded vide Court order
dated 09.06.2021 in W.P.(MD).No.3351 of 2021.)

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 to 3 to prematurely release the petitioner's brother Sundar @ Pallusundaran, S/o. Seenii Asari (L.C.T.No.3785), aged about 50 years from Madurai Central Prison, as per the G.O.(Ms.).No.64, dated 01.02.2018 issued by the first respondent and consequently direct the respondents to constitute and place the petitioner's brother Sundar @ Pallusundaran before the Advisory Board under Rule 341 of Tamil Nadu Prison Rules, 1983.

For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.S.Ravi
Standing counsel for Government

O R D E R

[Order of the Court was made by B.PUGALENDHI,J.]

Heard Mr. R.Venkatesan, learned counsel appearing for the
<https://hcservices.ecourts.gov.in/hcservices/>



petitioner and Mr.S.Ravi, learned Standing counsel representing the State and perused the materials available on record.

2. The petitioner has come forward with this writ petition for issuance of Writ of Mandamus directing the respondents to prematurely release the petitioner's brother viz., Sundar @ Pallusundaran, S/o. Seeni Asari, who is now confined at Central Prison, Madurai.

3. Mr.S.Ravi, learned Standing counsel appearing for the Government, on instructions, would submit that an Advisory Committee has convened and the Members of the Advisory Committee viz., Chief Judicial Magistrate and the Principal District Judge have submitted the report to the District Collector, Madurai. Based on the report, the District Collector has to take a call and make any recommendations and the process is pending.

4. In view of the said submissions, we dispose of this writ petition with a direction to the District Collector, Madurai to send his report to the Government, based on the report of the Chief Judicial Magistrate and the Principal District Judge, within a period of two weeks from the date of receipt of a copy of this order. On such report, the Government shall take a decision and pass suitable orders, in accordance with law, within a period of four weeks therefrom. Accordingly, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Secretary to Government,
State of Tamil Nadu,
Home (Prison IV) Department,
Secretariat, Fort St. George, Chennai 600 009.

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



2.The Additional Director General of Police,
Egmore,
Chennai 600 008.

3.The Superintendent of Prison,
Central Prison,
Madurai.

4.The District Collector,
Madurai District.

5.Standing Counsel for Government,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) No.3351 of 2021
20.07.2021

RD(30.07.2021) 3P 6C