



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:01.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.6108 of 2021

Malliga

... Petitioner

vs.

1.The State of Tamil Nadu
represented by the Principal Secretary to Government,
Home (Prison) Department,
Fort St. George,
Chennai 600 009.

2.The Additional Director General of Police/
Inspector General of Prisons,
C.M.D.A. Towers II,
No.I, Gandhi Irvin Road,
Elumbur,
Chennai -8.

3.The Deputy Inspector General of Prison,
Office of the Deputy Inspector of Police,
C.M.D.A. Towers II,
No.I, Gandhi Irvin Road,
Elumbur,
Chennai -8.

4.The Superintendent of Prison,
Office of the Superintendent of Prison,
Cuddalore.

5.The Regional Probation Officer,
Office of the Regional Probation Officer,
Vellore District 632 009.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to release the petitioner's husband namely Rajesh @ Rajkumar @ Rajeshkanna, aged about 49 years, now confining at Cuddalore Central Prison under G.O.(Ms.).No.64, dated 01.02.2018 in accordance with law or advisory board proceedings under Rule 341 of the Tamil Nadu Prison Rules, 1993 and in accordance with law within the scope and jurisdiction conferred by this Court.



For Petitioner
For Respondent

: Mr.R.Alagumani
: Mr.S.Ravi
Standing counsel for the Government

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O R D E R

[Order of the Court was made by K.KALYANASUNDARAM.,J.]

This writ petition has been filed for issuance of Writ of Mandamus, directing the respondents to release the petitioner's husband viz., Rajesh @ Rajkumar @ Rajeshkanna, aged about 49 years, now confined at Cuddalore Central Prison, under G.O.(Ms).No.64, dated 01.02.2018, in accordance with law or Advisory Board Proceedings under Rule 341 of the Tamil Nadu Prison Rules, 1993.

2. Mr.S.Ravi, learned Standing counsel appearing for the respondents would state that the earlier representation of the petitioner was rejected on 12.03.2019, vide G.O.(D).No.277, Home (Prison -IV) Department. The rejection order is also found place in the typed set of papers filed by the petitioner.

3. Indisputably, the earlier representation sent for the similar request was rejected by the authorities vide order dated 12.03.2019. Therefore, we are of the opinion that the prayer sought for in this writ petition is not maintainable and hence, the Writ Petition is dismissed, granting liberty to the petitioner to challenge the order of rejection dated 12.03.2019, in the manner known to law. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

akv

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 Principal Secretary to Government,
State of Tamil Nadu,
Home (Prison) Department,
Fort St. George,
Chennai 600 009.
- 2.The Additional Director General of Police/
Inspector General of Prisons,
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- 3.The Deputy Inspector General of Prison,
Office of the Deputy Inspector of Police,
C.M.D.A. Towers II,
No.I, Gandhi Irvin Road,
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Office of the Superintendent of Prison,
Cuddalore.
- 5.The Regional Probation Officer,
Office of the Regional Probation Officer,
Vellore District 632 009.

W.P (MD) No. 6108 of 2021
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