



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 05.10.2021

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WEB COPY

**THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN**

**and**

**THE HONOURABLE MR.JUSTICE R.PONGIAPPAN**

**W.P (MD) No. 7486 of 2021**

K.R.Raja

... Petitioner

Vs.

1.The State of Tamilnadu Represented by  
The Additional Chief Secretary,  
Home (Prison) Department,  
Government of Tamilnadu,  
Chief Secretariat, St.George Fort,  
Chennai - 600 008.

2. The Director General of Prisons and Correctional Services,  
Tamilnadu Prison Head Quarters,  
No.6, Whennals Road,  
Egmore, Chennai - 600 008.

3. The Deputy Inspector General of Prisons and Correctional  
Services,  
Headquarters, DIG of Prisons and Correctional Services,  
Tamilnadu Prisons and Correctional Services Department,  
No.6, Whennals Road, Egmore, Chennai - 600 008.

4.The Superintendent,  
Central Prison,Madurai - 625 016.

5.The Superintendent,  
Special Prison for Women,  
Madurai - 625 016.

6.The Superintendent,  
Central Prison,Palaymkottai - 627 002.

7.The Superintendent,  
Central Prison,  
Trichy 620 020.

8. The Superintendent,  
Special Prison for Women,  
Trichy - 620 008.



9.The Superintendent,  
Central Prison,  
Cuddalore - 607 401

10.The Superintendent,  
Central Prison,  
Vellore - 632 002.

11.The Superintendent,  
Special Prison for Women,  
Vellore - 632 002.

12.The Superintendent,  
Central Prison- Puzhal -I,  
Chennai 600 066.

13. The Superintendent,  
Special Prison for Women,  
Puzhal, Chennai - 600 066.

14.The Superintendent,  
Central Prison,  
Coimbatore - 641 018.

15. The Superintendent,  
Special Prison for Women,  
Coimbatore - 641 018.

16. The Superintendent,  
Central Prison,  
Salem 636 007.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to take immediate steps to assess all these 125 cases of prison inmates, who are classified as aged, decrepit and long term prisoners those who are undergoing their sentence more than 10 years and 20 years on the basis of the Letter (Ms.)No.1358 of the Home Department, State of Tamilnadu dated 10.11.1994 in various Prisons of Tamilnadu and consider their case for peremature release as per the G.O. (MS) No.64 Home (Prison-IV) Department dated 01.02.2018 or by placing their cases for recommendation and consideration by constituting Advisory Board as per the Rule.341 of the Tamilnadu Prison Rules, 1983 for releasing them at the earliest possible, in accordance with law and within the time stipulated by this Court.

For Petitioner :Mr.R.Alagumani

For Respondents :Mr.S.Ravi

Additional Public Prosecutor



**O R D E R**

(Order of the Court was made by **V. BHARATHIDASAN, J.**)

This Writ Petition has been filed for issuance of a writ of mandamus to direct the respondents to take immediate steps to assess all these 125 cases of prison inmates, who are classified as aged, decrepit and long term prisoners on the basis of the Letter (Ms.) No.1358 of the Home Department, State of Tamilnadu dated 10.11.1994 in various Prisons of Tamilnadu and consider their case for premature release as per the G.O(MS) No.64 Home (Prison-IV) Department dated 01.02.2018 or by placing their cases for recommendation and consideration by constituting Advisory Board as per the Rule.341 of the Tamilnadu Prison Rules, 1983 for releasing them at the earliest possible, in accordance with law and within the time stipulated by this Court.

2. The petitioner, who has filed the present Public Interest Litigation, is an Advocate practising at Madurai and also said to be a social worker. Earlier, the petitioner has filed W.P(MD)No.15341 of 2017, seeking for implementing some welfare schemes for the discharged prisoners under the Tamil Nadu Discharged Prisoners Aid Society before a Division Bench of this Court. The Division Bench of this Court has directed the petitioner to collect information from all the Central Prisons in the State and file a report for granting relief to the discharged prisoners.

3. In pursuance of the direction issued by this Court, the petitioner visited the Central Prisons, and he came to know that for more than 125 convicted prisoners are now undergoing their sentence more than 10 years to 20 years. Their details are annexed in the typed set of papers and they are seeking premature release. For want of proper legal advice, they have approached the petitioner and requested him to take necessary steps for filing application seeking for premature release. Considering those requests, the petitioner sent a detailed representations on 25.02.2021 and 01.03.2021 to the first respondent to consider the premature release of all those 125 convicted prisoners. Since the said representations have not been considered so far, the present writ petition has been filed.

4. Mr.R.Alagumani, learned counsel for the petitioner would submit that the petitioner, being a practising advocate and well-known social worker, visited the Central Prison in pursuant to the direction issued by this Court and he came to know about the agony of all those 125 convicted prisoners and they are deprived of proper legal advice to get earlier release. In such circumstances, on behalf of all the 125 convicted prisoners detailed representations have been sent the same are pending and so far no order has been passed. The petitioner will be satisfied, if this Court issues a



direction to the first respondent to consider those representations.

5. Mr.S.Ravi, learned Additional Public Prosecutor for the respondents would submit that this is a Public Interest Litigation with regard to premature release of the convicted prisoners. According to him, the same is not maintainable. He would contend that premature release is not a matter of right and it is for the Government to consider based upon various circumstances and in accordance with law. It is his further submission that if at all any prisoner desires to get premature release, it is for him to approach the authorities individually and the petitioner cannot represent all those convicted prisoners.

6. We have heard the learned counsel for the petitioner and the learned Additional Public Prosecutor for the respondents and perused the materials available on records.

7.Considering the rival submissions and on perusing the materials on record, it is seen that the petitioner is a social worker and only on the direction issued by this Court, he has visited all the Central Prisons and came to know about the grievance of all the prisoners and only on behalf of them, and they are deprived of proper legal assistance. Considering the said circumstances, the petitioner sent the representation on their behalf and it cannot be said the Public Interest Litigation is not maintainable. More over, considering the limited prior sought by the petitioner, we are inclined to issue a direction to the first respondent to consider the representation. Accordingly, the first respondent is directed to consider the representations given by the petitioner, on merits and in accordance with law and pass a suitable order within a period of 12 weeks from the date of receipt of a copy of this order.

8.With the above direction, this petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

CM

**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:**

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Salem 636 007.

17.The Additional Public Prosecutore,  
Madurai Bench of Madras High Court,  
Madurai.

**W.P (MD) No.7486 of 2021**  
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\_RD(25.10.2021) 6P 18C