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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P. (MD) Nos.7336 of 2019 and 36 of 2020

and

W.M.P. (MD) .Nos.18 and 19 of 2020 in W.P. (MD) .No.36 of 2020

Solaiyammal

... Petitioner in both W.Ps.

-vs-

The Superintendent of Prison,
Central Prison,
Madurai.

... Respondent in W.P. (MD) .No.7336 of 2019

1.The Additional Chief Secretary to Government,
Home (Prison -IV) Department,
St. Fort George,
Chennai.

2.The Inspector General of Police (i/c),
Chennai -8.

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

4.The Inspector of Police,
Karimedu Police Station,
Madurai City.

... Respondents in W.P. (MD) .No.36 of 2020

PRAYER in W.P. (MD) .No.7336 of 2019: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondent to release the petitioner's brother viz., Yattaiah @ Solaiappan, S/o.Gandhi Thevar (L.C.T.No.3679), pursuant to G.O. (MS) .No.1235, dated 28.08.2018.

PRAYER in W.P. (MD) .No.36 of 2020: Petition is filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in his proceedings in No.4369/PS1/2018, dated 06.05.2019 and quash the same as illegal and consequently direct the respondents 1 to 3 to release the



petitioner's brother viz., Yattaiah @ Solaiappan, S/o.Gandhi Thevar (L.C.T.No.3679), pursuant to G.O.(Ms).No.1235, dated 28.08.2018.

For Petitioner in both W.Ps. : Mr.C.Mayilvahana Rajendran

For Respondents in both W.Ps.: Mr.S.Ravi
Standing counsel for
Government

COMMON ORDER

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

W.P(MD)No.7336 of 2019 has been filed seeking for issuance of a Writ of Mandamus directing the respondent to release the petitioner's brother viz., Yattaiah @ Solaiappan, S/o.Gandhi Thevar (L.C.T.No.3679), pursuant to G.O.(MS).No.1235, dated 28.08.2018.

2.W.P(MD)No.26 of 2020 has been filed seeking for issuance of a Writ of Certiorarified Mandamus to quash the impugned order passed by the second respondent in his proceedings No.4369/PS1/2018, dated 06.05.2019 and consequently to direct the respondents 1 to 3 to release the petitioner's brother viz., Yattaiah @ Solaiappan, S/o.Gandhi Thevar (L.C.T.No.3679), pursuant to G.O.(Ms).No.1235, dated 28.08.2018.

3.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4.When the First Writ Petition was pending, the representation for premature release came to be rejected. Hence the second Writ Petition. Mr.S.Ravi, learned Standing Counsel representing the state submitted that the prayer sought for in both the Writ Petitions is for premature release of petitioner's brother viz., Yattaiah @ Solaiappan, S/o.Gandhi Thevar (L.C.T.No.3679),. Notwithstanding the earlier representation was rejected by the second respondent vide order in his proceedings No. 4369/PS1/2018, dated 06.05.2019, however his subsequent representation was considered favourably and he was released vide order, dated 12.10.2020.

5.It is represented by the learned counsel appearing for the Petitioner that the convict Yattaiah @ Solaiappan, S/o.Gandhi Thevar (L.C.T.No.3679) has been released from Jail pursuant to the letter, dated 13.10.2020. The said letter is placed on record.

6.In view of the above fact, we are of the considered view that the prayer sought for in both the Writ Petitions have become infructuous and accordingly, both the Writ Petitions stand dismissed as having become infructuous. No costs. Consequently, connected



Miscellaneous Petitions are dismissed.

Sd/-

Assistant Registrar (AS)

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Sub Assistant Registrar(CS)

vsn

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 Additional Chief Secretary to Government,
Home (Prison -IV) Department,
St. Fort George,
Chennai.
- 2.The Inspector General of Police (i/c),
Chennai -8.
- 3.The Superintendent of Prison,
Central Prison,
Madurai.
- 4.The Inspector of Police,
Karimedu Police Station,
Madurai City.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

W.P. (MD) .Nos.7336 of 2019
and 36 of 2020
28.07.2021

RK (06.08.2021) 3P 6C