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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.03.2022

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MR.JUSTICE A.A.NAKKIRAN

WRIT PETITION NO.6077 OF 2021

Nagaraj
S/o.Nachimuthu

.. Petitioner

Vs.

1. The State of Tamil Nadu,
represented by the
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Director General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Superintendent of Prison,
Central Prison, Trichy - 20.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents 1 and 2 to consider the representation of the petitioner dated 16.07.2019 and release the petitioner immediately under Letter (FS) No.1358, Home, dated 10.11.94 and G.O.Ms.No.64 dated 01.02.2018 for premature release.

For Petitioner : Mr.P.Pugalenthi

For Respondents : Mr.Hasan Mohamed Jinnah
State Public Prosecutor
assisted by Mr.R.Muniyapparaj,
Additional Public Prosecutor



ORDER

[Order of the Court was made by P.N.PRAKASH, J]

Seeking premature release of the convict prisoner Nagaraj [CT No.20151] under G.O.(Ms) No.64, Home (Prison IV) Department dated 01.02.2018 and also under Government of Tamil Nadu letter No.1358 dated 10.11.1994, this writ of mandamus has been filed.

2. Heard Mr.P.Pugalthi, learned counsel for the petitioner and Mr.Hasan Mohamed Jinnah, learned State Public Prosecutor.

3. The State has filed a counter, wherein, in paragraph No.10, it is stated that the State Level Committee had not recommended the case of the petitioner for premature release under G.O.(Ms) No.64, Home (Prison IV) Department dated 01.02.2018. The said paragraph is extracted hereunder:

'10. It is submitted that the case of Petitioner/Life Convict prisoner No.20151, Nagaraj, Son of Nachimuthu Thevar was not recommended to the first respondent by the State level Committee for the reason that he has committed murders on two separate occasions and his premature release will be prejudicial to the safety of the society. Hence the contention of the petitioner that the respondents made arbitrary, discriminatory, unfair and unreasonable and violative of Articles 14 and 21 of the constitution in considering the case of petitioner on humanitarian grounds is not true and devoid of merits.'

4. However, in paragraph No.13 of the counter affidavit, it is stated as follows:

'13. ... In the instant case, the case of the Petitioner/Life Convict No.20151 Nagaraj S/o.Nachimuthu Thevar is still under consideration and no orders were issued by the Government in this regard. Hence, it is submitted that the contention of the petitioner that his every day detention is illegal is not true and devoid of merits.'

5. In view of the averments in paragraph No.13, extracted above, that the case of the convict prisoner/petitioner is still under the consideration by the Government, we direct the Government to dispose of the case of the petitioner within a period of three months from the date of receipt of a copy of this order.



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With the above direction, this Writ Petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

gm

To

1. The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.
2. The Director General of Prisons,
Gandhi Irwin Road, Egmore, Chennai - 600 008.
3. The Superintendent of Prison,
Central Prison, Trichy - 20.
4. The Public Prosecutor,
High Court, Madras.

Writ Petition No.6077 of 2021

PA(CO)
RLP(22/03/2022)