

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.03.2022

CORAM

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

WRIT PETITION NO.15340 OF 2021
AND
W.M.P.NO.16228 OF 2021

Maideen Fathima
W/o.Dheen

...Petitioner

Vs.

1.The State of Tamil Nadu
represented by its Secretary,
Department of Home (Prison),
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Additional Director General of Prisons,
Whannels Road, Egmore,
Chennai - 600 008.

3.The Superintendent of Prison,
Central Prison Palayankottai,
Thirunelveli District.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying issuance of a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 09.07.2021 to release D.Sidhiq Ali @ Sulthan s/o.Dheen [CT No.7368], aged about 43 years, now confined at Central Prison, Palayankottai, based on G.O.Ms.No.64, Home (Prison-IV) Department dated 01.02.2018.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

This petition has been filed seeking a direction to the respondents to consider the petitioner's representation dated 09.07.2021 and release D.Sidhiq Ali @ Sulthan s/o.Dheen [CT

No.7368], aged about 43 years, now confined at Central Prison, Palayankottai, based on G.O.Ms.No.64, Home (Prison-IV) Department dated 01.02.2018.

2. The State has filed a counter, wherein, it is stated that no representation has been received by the State as averred by the petitioner. However, Mr.R.Sankarasubbu, learned counsel for the petitioner, drew the attention of this Court to page No.8 in the typed set of papers dated 20.07.2021, wherein, he enclosed a copy of the representation that is said to have been given by the petitioner to the Secretary, Department of Home (Prison), Secretariat, Fort St.George, Chennai - 600 009.

3. On a perusal of the same, we find that it does not even bear the date and it lacks minimum details for the exercise of constitutional power by the Governor under Article 161 of the Constitution of India.

Accordingly, this Writ Petition is closed with liberty to the petitioner or the life convict to give a detailed representation for premature release to the authorities under G.O.Ms.No.64 dated 01.02.2018 and on such representation being given, the first respondent shall dispose of the same within a period of two months from the date of receipt of the representation. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

gm

To

- 1.The Secretary,
Department of Home (Prison),
Secretariat, Fort St.George,
Chennai - 600 009.
- 2.The Additional Director General of Prisons,
Whannels Road,
Egmore, Chennai - 600 008.
- 3.The Superintendent of Prison,
Central Prison Palayankottai,
Thirunelveli District.

4.The Public Prosecutor,
High Court, Madras.

Writ Petition No.15340 of 2021

PMK(CO)
RVM(25/03/2022)