



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.22906 of 2021

and

W.M.P.(MD)No.19373 of 2021

Doss @ Aandikannan

...Petitioner

-Vs-

1.State rep. by

The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat of Tamil Nadu, Fort. St. George,
Chennai-600 009.

2.The Additional Director General of Police / IG Prisons,
CMDA, Tower II, No.1, Gandhi Irwin Road,
Egmore, Chennai-600008.

3.The Superintendent,
Central Prison, Palayamkottai,
Tirunelveli District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the order passed by the 1st respondent in G.O.(D)No.359/2016, dated 29.04.2016 and quash the same as illegal and consequent direction may be issued to the respondents to consider the petitioner's premature release by extending the benefit of the Government Order in G.O.Ms.No.64, Home (Prison), dated 01.02.2018.

For Petitioner : Mr.G.D.Manikandan

For Respondents : Mr.S.Ravi,

Additional Public Prosecutor.

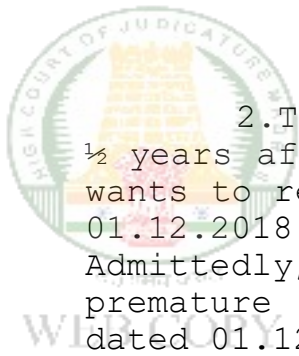
ORDER

R.SUBRAMANIAN, J.

AND

N.SATHISH KUMAR, J.

The challenge in this Writ Petition is to the Government Order dated 29.04.2016 in G.O.(D)No.359, Home (Prison-IV) Department, rejecting the request of the petitioner for premature release on completion of 14 years of imprisonment.



2.This Writ Petition has been filed on 20.12.2021 more than 5 ½ years after the rejection order was passed. The petitioner, now, wants to rely upon G.O.(Ms)No.64, Home (Prison-IV) Department, dated 01.12.2018 in support of his claim for premature release. Admittedly, the petitioner has not made any application for claiming premature release under G.O.(Ms)No.64, Home (Prison-IV) Department, dated 01.12.2018.

3.We do not think that we could entertain the challenge to the rejection order passed in the year 2016, after expiry of almost 6 years now. Hence, this Writ Petition is dismissed on the sole ground of laches, leaving it open to the petitioner to make out a representation, seeking premature release under G.O.(Ms)No.64, Home (Prison-IV) Department, dated 01.12.2018, if he is so advised. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AS)

// True Copy //

04/05/2022

Sub Assistant Registrar(CS)

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To

The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat of Tamil Nadu, Fort. St. George,
Chennai-600 009.

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