



WEB COPY



W.P.No.17056 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.06.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MRS.JUSTICE K.GOVINDARAJAN

THILAKAVADI

W.P.No.17056 of 2023

Raja Mohamed
S/o.Sheikh Oli

.. Petitioner

Vs.

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

2. The Director General of Prisons
Gandhi Irwin Road, CMDA Building
2nd Tower, Egmore
Chennai-600 008.

3. The Superintendent of Prison
Central Prison at Palayamkottai
Tirunelveli District - 627 002.

.. Respondents

Page Nos.1/6



WP.No.17056 of 2023

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the 1st respondent to consider the petitioner's representation dated 28.03.2023 within time limit and consequently direct the respondents to release the convict prisoner / brother of the petitioner namely, Mr.Sabeer Ahamed, S/o.Sheikh Oli (CT No.4117) who is confining at Central Prison, Palayamkottai, who is a 3rd respondent herein.

For Petitioner	:	Mr.Mohamed Saifulla
For Respondents	:	Mr.R.Muniyapparaj Additional Public Prosecutor assisted by Mr.M.Sylvester John, Advocate

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

Captioned writ petition has been filed by brother of a convict prisoner. To be noted, convict prisoner (CT No.4117) now lodged in Central Prison, Palayamkottai is Mr.Sabeer Ahamed, son of Mr.Sheikh Oli.

2. Mr.M.Mohamed Saifulla, learned counsel on record for petitioner submits that a representation dated 28.03.2023 has been sent by the petitioner seeking premature release of his brother i.e., convict prisoner.



WP.No.17056 of 2023

Learned counsel also draws our attention to a reply to a query under 'the Right to Information Act, 2005' ['RTI Act' for the sake of convenience and brevity] wherein third respondent has replied to a query regarding representation and in the reply, the third respondent has said that recommendation has been made (பரிந்துரை செய்யப்பட்டுள்ளது).

3. Learned counsel for petitioner *inter alia* places reliance on G.O.(Ms)No.488 Home (Prison-IV) Department dated 15.11.2021 and submits that convict prisoner is entitled to premature release but we refrain ourselves from expressing any opinion on this submission in this order owing to the trajectory the matter has taken.

4. Issue notice.

5. Mr.R.Muniyapparaj, learned Additional Public Prosecutor (assisted by learned counsel Mr.Sylvester John) accepts notice on behalf of all three respondents and learned Prosecutor, on instructions submits that the aforementioned representation of the petitioner dated 28.03.2023 is under



WP.No.17056 of 2023

active consideration and a decision will be taken as expeditiously as possible and in any event within six weeks from today ie., on or before 20.07.2023.

6. In the light of the narrative thus far, we deem it appropriate to dispose of the captioned writ petition with a direction to respondents to dispose of petitioner's representation for premature release i.e., representation dated 28.03.2023 on its own merits and in accordance with law as expeditiously as the official business of the respondents would permit but in any event within six weeks from today i.e., on or before 20.07.2023. The decision i.e., disposal of representation proceedings shall be communicated to the petitioner under due acknowledgment within five working days from the date of disposal.

7. Captioned Writ Petition is disposed of with the aforementioned directives.



WP.No.17056 of 2023

8. Though captioned writ petition has been disposed of, Registry is directed to list the captioned writ petition under the cause list caption 'FOR REPORTING COMPLIANCE' on 28.07.2023.

(M.S.,J.)

(K.G.T.,J.)

08.06.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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To

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4. The Public Prosecutor
High Court, Madras.

M.SUNDAR, J.,

Page Nos.5/6



WEB COPY



WP.No.17056 of 2023

and
K.GOVINDARAJAN THILAKAVADI, J.,

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W.P.No.17056 of 2023

08.06.2023

Page Nos.6/6