



W.P.No.25788 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.No.25788 of 2023

Mr.Ganesan

... 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 Police
Central Prison at Palayamkottai
Tirunelveli District – 627 002

..Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of in the nature of mandamus directing the first respondent to pass an order based on the recommendation of 2nd respondent

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in No.31310/ஈ141/2023 dated 01.08.2023 and by considering the petitioner's wife representation dated nil sent on 24.07.2023 within time limit and consequently direct the respondents to release the petitioner namely Mr.Ganesan, son of Arunachala Nadar (CT.No.4520) who is confining at third respondent herein.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

This order will now dispose of the captioned writ petition.

2. Captioned writ petition has been filed with a mandamus prayer qua an undated representation seeking premature release of petitioner who is a convict prisoner (Convict No.4520) now lodged in Palayamkottai Central Prison, Tirunelveli District-627 002 having been convicted in S.C.No.253 of 1986 vide conviction and sentence dated 18.03.1987.

3. Mr.M.Mohamed Saifulla, learned counsel for petitioner drew our attention to a communication dated 01.08.2023 bearing reference No.31310/ஈ141/2023 from the second respondent saying that a note has



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been sent to the Government and that the writ petitioner's spouse's undated petition seeking premature release of writ petitioner is under consideration.

4. Issue notice.

5. Mr.E.Raj Thilak, learned State Additional Public Prosecutor accepts notice for all the three respondents and submits on instructions that the representation is under active consideration and the first respondent would take a call on the same as expeditiously as the business of the first respondent would permit and in any event, within six weeks from today i.e., by 13.10.2023.

6. In the light of the narrative thus far, captioned writ petition is disposed of with a direction to the first respondent to take a call on aforementioned representation and pursuant to communication from the second respondent dated 01.08.2023 to writ petitioner's spouse and such a call shall be taken on its own merits and in accordance with law as expeditiously as the official business of the first respondent would permit but in any event within six weeks from today i.e., by 13.10.2023. The decision taken by the first respondent shall be communicated to the writ petitioner as well as writ petitioner's spouse Tmt.Esakkimani Ammal



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residing at No. 7/136, Gandhi Nagar, Mullukadu, Thuthukudi District-628

005 within seven working days from the date of the decision under due acknowledgment.

Captioned writ petition disposed of in the aforesaid manner.

(M.S.,J.)

(R.S.V.,J.)

01.09.2023

gpa

P.S: Though captioned writ petition has been disposed of, let the same be listed under the cause list caption 'FOR REPORTING COMPLIANCE' on 20.10.2023.

To

1. The 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 Police
Central Prison at Palayamkottai
Tirunelveli District – 627 002
4. The Public Prosecutor
High Court, Madras.

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M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

gpa

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