



W.P.(MD).No.2104 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 11.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

W.P.(MD).No.2104 of 2023

K.Sivanayagi

.. Petitioner

Vs.

- 1.State through
The Additional Chief Secretary,
Government of Tamil Nadu,
Home (Prison-IV) Department,
Fort St.George,
Chennai.
- 2.The Inspector General of Prisons
Whannels Road, Egmore,
Chennai – 8.
- 3.The Deputy Inspector General of Prison,
Central Prison,
Madurai.
- 4.The Superintendent of Prison,
Central Prison,
Madurai.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to release the petitioner's husband namely Karunamoorthy who is confined at Central Prison, Madurai (life Convict Prisoner No.4563) and directing the respondents to treat the petitioner as an eligible life convict prisoner for premature release by G.O.(Ms).No.64, Home (Prison IV) Department, dated 01.02.2018 within the time frame stipulated by this Court and to set the petitioner's husband at liberty.

For Petitioner : Mr.N.Anandhapadmanabhan
Senior Counsel

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner herein had given a representation to the respondents 2 to 4 on 02.01.2023 seeking for premature release of her husband, namely, Karunamoorthy (life Convict Prisoner No.4563), who is confined at Central Prison, Madurai. Since the said representation was not considered, the present Writ Petition has been filed.



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2. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3. It is now brought to our notice that the petitioner's representation dated 02.01.2023 has been made only to the respondents 2 to 4 herein and since the first respondent/Government would be the competent authority to consider the petitioner's request, we are of the view that the petitioner could be granted liberty to make a fresh representation to the first respondent/Government.

4. In the light of the above observations, the petitioner is granted liberty to make a fresh representation to the first respondent herein seeking



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for premature release of her husband. On receipt of such a representation, the first respondent herein shall consider the same in the light of Rule 341 of the Tamil Nadu Prison Rules, 1983 and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a fresh representation. It is made clear that this Court has not expressed any of its views with regard to the merits of the claim of the petitioner and that it is open to the concerned respondent to consider the same on its own merits.

5. With the above direction, the Writ Petition stands disposed of.

There shall be no order as to costs.

(M.S.R.,J.) (M.N.K.,J.)
11.08.2023

NCC : Yes / No
Index : Yes / No
Lm

To

1. The Additional Chief Secretary,
State,
Government of Tamil Nadu,
Home (Prison-IV) Department,
Fort St. George,
Chennai.



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2.The Inspector General of Prisons
Whannels Road, Egmore,
Chennai – 8.

3.The Deputy Inspector General of Prison,
Central Prison,
Madurai.

4.The Superintendent of Prison,
Central Prison,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
M.NIRMAL KUMAR,J.

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