



WP(MD)No.2678 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 02.08.2023

CORAM

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

W.P.(MD)No.2678 of 2023

T.Thenmozhi

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Home (Prisons) Department,
Fort St.George, Chennai-600 009.
- 2.The Additional Director General of Police /
Inspector General of Prisons,
Whannels Road, Egmore, Chennai-8.
- 3.The District Collector,
Office of the Collectorate,
Madurai.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Central Prison, Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to consider and dispose of the



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recommendations of the petitioner's husband with C.P.No.2008 (25 years in prison) before the Advisory Board by the respondents within the time stipulated by this Court.

For Petitioner : Mr.S.Ramsundarvijayraj

For Respondents : Mr.A.Thiruvadi Kumar,
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 on 26.02.2022 seeking for premature release of her husband, namely, Thangaraj, (C.P.No.2008), who is confined at Madurai Central Prison. Since the said representation was not considered, the present Writ Petition has been filed.

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



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extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

3.In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 26.02.2022, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order. 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.

4.With the above direction, this Writ Petition stands disposed of. No costs.

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

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NCC : Yes / No
Index : Yes / No

Yuva



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M.S.RAMESH, J.

AND

M.NIRMAL KUMAR, J.

Yuva

To

- 1.The Principal Secretary,
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- 2.The Additional Director General of Police /
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- 3.The District Collector,
Office of the Collectorate,
Madurai.
- 4.The Superintendent of Police,
Office of the Superintendent of Police,
Central Prison, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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