



W.P.(MD).No.9275 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

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.9275 of 2023

Pandi

.. Petitioner

Vs.

- 1.The State of Tamilnadu,
Represented by,
The Principal Secretary to Government,
Home (Prison) Department,
Fort St.George,
Chennai – 600 009.
- 2.The Director General of Police/
Director of Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Elumbur,
Chennai – 8.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

.. Respondents



W.P.(MD).No.9275 of 2023

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 by name Pandi, son of Gurusamy @ Guruvan, aged about 64 years, now confining at Madurai Central Prison under premature release on the basis of the G.O.Ms.64, Home (Pri IV) Department, dated 01.02.2018 or G.O.Ms.488, Home (Pri IV) Department, dated 15.11.2021 or under advisory board proceedings under Rule 341 of the Tamilnadu Prison Rules.

For Petitioner : Mr.R.Alagumani

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 on 08.03.2023 seeking for premature release of the petitioner, namely, Pandi, son of Gurusamy @ Guruvan, aged about 64 years, who is confined at Central Prison, Madurai. Since the said representation was not considered, the present Writ Petition has been filed.



W.P.(MD).No.9275 of 2023

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. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 08.03.2023, in accordance with Rule 341 of the Tamil Nadu Prison Rules, 1983, on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) 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.



W.P.(MD).No.9275 of 2023

4. 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 Principal Secretary to Government,
The State of Tamilnadu,
Home (Prison) Department,
Fort St.George,
Chennai – 600 009.

2.The Director General of Police/
Director of Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Elumbur,
Chennai – 8.

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

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



WEB COPY



W.P.(MD).No.9275 of 2023

M.S.RAMESH,J.
and
M.NIRMAL KUMAR,J.

Lm

W.P.(MD).No.9275 of 2023

11.08.2023