



W.P.(MD).No.16240 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 06.07.2023

CORAM

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

W.P.(MD).No.16240 of 2023

Ganesan

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by
The Principal Secretary to Government,
Home (Prison) Department,
State of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai – 9.

2.The Director General of Prisons Correctional Services,
Tamil Nadu Prison Head Quarters,
No.6, Whennals Road,
Egmore,
Chennai – 600 008.

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

.. 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 by name Ganesan, son of Sanmugam, aged about 70 years, now confining at Central Prison, Madurai under premature release on the basis of the G.O.No.1155, Home (Pri IV) Department, dated 11.09.2008 or G.O.No.488, Home (Pri IV) Department, dated 15.11.2021 or any other appropriate Government order or Government scheme in accordance with law within the time stipulated by this Court.

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.)

By consent of both the parties, this Writ Petition is taken up for final disposal.



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2. The petitioner herein had given a representation to the respondents 1 and 3 on 09.06.2023 seeking for premature release of the petitioner. Since the said representation was not considered, the present Writ Petition has been filed.

3. 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 respondent 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.

4. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 09.06.2023, on its own merits and pass appropriate orders in accordance with law, within a period of twelve (12) weeks from the date of receipt of a



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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.

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.)
06.07.2023

NCC : Yes / No

Index : Yes / No

Lm

To

1.The Principal Secretary to Government,
The State of Tamil Nadu,
Home (Prison) Department,
State of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai – 9.

2.The Director General of Prisons Correctional Services,
Tamil Nadu Prison Head Quarters,
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3. The Superintendent of Prison,
Central Prison,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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