



W.P.(MD).No.17001 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 14.07.2023

CORAM

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

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M.Kanagavalli

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by The Principal Secretary to Government,
Home (Prison - IV) Department,
State of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai-9.
- 2.The Additional Director General of Police /
Inspector General of Prisons,
C.M.D.A.Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai-8.
- 3.The Deputy Inspector General of Prison,
Office of the Deputy Inspector General of Prison,
Madurai Division,
Madurai Central Prison Campus,
Madurai-16.



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

5.The Deputy Jailor,
Open Air Prison,
Purasadaiodaippu,
Sivagangai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the first respondent to release the petitioner's husband by name Muthusamy (C.P.No.0116) son of Muniyandi, aged about 52 years now lodged and confined at Open Air Prison, Purasadaiodaippu, Sivagangai District have completed the more than 14 years of actual sentence on the basis the G.O.MS.No.488 of 2021 by considering the petitioner's representation dated 28.04.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Prakash

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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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.

2. The petitioner herein had given a representation to the respondents on 28.04.2023 seeking for premature release of her husband, namely, Muthusamy (C.P.No.0116), who is confined at Open Air Prison, Purasadaiodaippu, Sivagangai District. 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 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



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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 28.04.2023, 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 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.)
14.07.2023

NCC : Yes / No
Index : Yes / No
Lm



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To

1. The Principal Secretary to Government,
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2. The Additional Director General of Police /
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4. The Superintendent of Prison,
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5. The Deputy Jailor,
Open Air Prison,
Purasadaiodaippu,
Sivagangai District.
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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and
M.NIRMAL KUMAR,J.

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