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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2023

CORAM

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

W.P.(MD)No.18232 of 2023

M.Thamaraiselvi ... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government
Home (Prison IV) Department
State of Tamil Nadu, Secretariat
St.George Fort, Chennai-600 009.

2.The Additional Director General of Police /
Inspector General of Prisons,
CMDA Towers II
No.1 Gandhi Irwin Road
Egmore, Chennai-8.

3.The Deputy Inspector General of Prisons,
O/o.Deputy Inspector General of Prisons, Madurai Division,
Madurai Central Prison Campus
Madurai 625 016.

4.The Superintendent ,
Madurai Central Prison, Madurai.

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

PRAYER: 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 by name Murugan (C.P.No.0114) son of Periyasamy @ Karuppiah, aged about 42 years now lodged and confined at Open Air Prison, Purasadaiodaippu, Sivagangai District have completed more than 14 years of actual sentence on the basis of G.O.Ms.No.488 of 2021 by considering petitioner 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.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 28.04.2023 seeking for premature release of her husband, namely, Murugan (Convict No.0114) son of Periyasamy @ Karuppiah, aged about 42 years, who is confined at Open Air Prison, Purasadaiodaippu, Sivagangai District. 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.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 eight 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.

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4.With the above direction, this Writ Petition stands disposed of.

(M.S.R.,J.) & (M.N.K.,J.)
03.08.2023

NCC : Yes / No
Index : Yes / No
RR
To

1.The Principal Secretary to Government
Home (Prison IV) Department
State of Tamil Nadu, Secretariat
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2.The Additional Director General of Police /
Inspector General of Prisons,
CMDA Towers II, No.1 Gandhi Irwin Road, Egmore, Chennai-8.

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4.The Superintendent ,
Madurai Central Prison, Madurai.

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

5.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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