



WP(MD)No.18730 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

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.18730 of 2023

A.Padmini

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary,
Department Home (Prison IV) ,
Fort St.George, 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 Office,
Central Prison Campus
Madurai 625 016.
- 4.The Superintendent ,
Central Prison, Madurai.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to consider the petitioner's representation dated 06.07.2023 and prematurely release the petitioner father namely Anandan @ Chokkan (Convict No.5247) S/o.Shanmuga Chettiyar now confined at Central Prison, Madurai, under Rule 341(2) of the Tamil Nadu Prison Rules, 1983.

For Petitioner : Mr.C.Karthikeyan
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 06.07.2023 seeking for premature release of her father, namely, Anandan @ Chokkan (Convict No.5247) S/o.Shanmuga Chettiyar, 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,



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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 06.07.2023, 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.

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



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M.S.RAMESH, J.
AND
M.NIRMAL KUMAR, J.
RR

To

- 1.The Principal Secretary,
Department Home (Prison IV) ,
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- 2.The Additional Director General of Police /
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CMDA Towers II, No.1 Gandhi Irwin Road
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- 3.The Deputy Inspector General of Prisons,
O/o.Deputy Inspector General Office,
Central Prison Campus, Madurai 625 016.
- 4.The Superintendent ,
Central Prison, Madurai.
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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