



WP(MD)No.19589 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 14.08.2023

CORAM

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

W.P.(MD)No.19589 of 2023

Malliga

... Petitioner

Vs.

1.State of Tamil Nadu represented by
The Principal Secretary
Home, Prohibition and Excise Department
State Secretariat,
Fort St.George, Chennai-600 009.

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

4.The Deputy Inspector General of Prisons,
Madurai Range
Madurai Central Prison Campus,
New Jail Road,
Madurai District

5.The Superintendent of Prison
Madurai 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 release the petitioner's husband by name Rajesh @ Rajkumar @ Rajeshkanna son of Jeyaraman aged about 56 years now confining as life convict at Madurai Central prison under Advisory Board proceedings in accordance with Rule 341 of the Tamil Nadu Prison Rules 1993 or release him under G.O.(Ms) No.488 Home (Pri IV) Department dated 15.11.2021 or any appropriate Government order issued by the respondent No.1 or in any other premature release by considering the petitioner's representation dated 26.07.2023 in accordance with law.

For Petitioner : Mr.R.Alagumani
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 26.07.2023 seeking release/premature release of her husband, namely, Rajesh @ Rajkumar @ Rajeshkanna (life convict) son of Jeyaraman aged about 56 years now 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



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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 26.07.2023, 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.)
1.08.2023

NCC : Yes / No
Index : Yes / No



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



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M.S.RAMESH, J.

AND

M.NIRMAL KUMAR, J.

RR

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