



WP(MD)No.20544 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.08.2023

CORAM

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

W.P.(MD)No.20544 of 2023

A.Rajeswari

... Petitioner

Vs.

1.The State of Tamil Nadu

Represented by the Principal Secretary to Government,
Home Prison IV Department,
State of Tamil Nadu, Secretariat
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,

Office of the Deputy Inspector General of Prisons,
Madurai Division
Madurai Central Prison campus,
Madurai 16

4.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 consider the representation given by the petitioner dated 22.06.2023 and to release the petitioner's husband M.Anandan (C.P.5019) son of Murugesan aged about 41 years, now lodged and confined at Madurai Central Prison have completed more than 13 years of actual sentence on the basis of G.O.Ms.No.488/2021.

For Petitioner : Mr.N.Shyllapakalavan
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 22.06.2023 seeking release of her husband, namely, M.Anandan, S/o.Murugesan, (C.P.No.1519) aged 41 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 consider the same on its own merits and pass appropriate orders in one way or



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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 22.06.2023, 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.)
24.08.2023

NCC : Yes / No
Index : Yes / No
RR



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To

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Egmore Chennai 8
3. The Deputy Inspector General of Prisons,
Office of the Deputy Inspector General of Prisons,
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Madurai Central Prison campus,
Madurai 16
4. The Superintendent of Prison
Madurai Central Prison,
Madurai.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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AND

M.NIRMAL KUMAR, J.

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