



W.P.(MD).No.20486 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 23.08.2023

CORAM

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

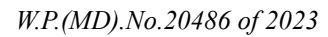
W.P.(MD).No.20486 of 2023

M.Thavasu

.. Petitioner

Vs.

- 1.The State of Tamilnadu,
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,
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.



.. Respondents

For Petitioner : M/s.N.Shyllappakalyan
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

(Order of the Court was made by M.S.RAMESH,J.)

2. The petitioner herein had given a representation to the second respondent on 22.06.2023 seeking for premature release of her husband, namely, Murugesan (C.P.5020), who is confined at Madurai Central Prison.



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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 in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. It is now brought to our notice that the petitioner's representation dated 22.06.2023 has been made only to the second respondent herein and since the first respondent/Government would be the competent authority to consider the petitioner's request, we are of the view that the petitioner could be granted liberty to make a fresh representation to the first respondent/Government.



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5. In the light of the above observations, the petitioner is granted liberty to make a fresh representation to the first respondent herein seeking for premature release of her husband. On receipt of such a representation, the first respondent herein shall consider the same on its own merits and pass appropriate orders in accordance with law, within a period of eight (8) weeks from the date of receipt of a fresh representation. 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.

6. 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.)
23.08.2023

NCC : Yes / No
Index : Yes / No
Lm



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1. The Principal Secretary to Government,
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Chennai – 600 009.
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.
4. The Superintendent of Prison,
Madurai Central Prison,
Madurai 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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