



W.P.(MD).No.20399 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.20399 of 2023

Samuvel

.. Petitioner

Vs.

1.The State of Tamilnadu,
Represented by the Principal Secretary to Government,
Home, Prohibition and Excise Department,
Fort St.George,
Secretariat,
Chennai – 9.

2.The Director General of Police/
Director of Prisons and Correctional Services,
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 of Police,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Elumbur,
Chennai – 8.



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4.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the Respondent No.1 to consider and pass appropriate order on the basis of the recommendation of the Advisory Board under Rule 341 of the Tamilnadu Prison Rules relating to the premature release of the petitioner by considering the petitioner's representation dated 26.07.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

By consent of both the parties, this Writ Petition is taken up for final disposal.

2. The petitioner herein had given a representation to the respondents on 26.07.2023 seeking for his premature release. Since the said representation was not considered, the present Writ Petition has been filed.



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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. 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 four (4) 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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5. 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

To

1.The Principal Secretary to Government,
The State of Tamilnadu,
Home, Prohibition and Excise Department,
Fort St.George,
Secretariat, Chennai – 9.

2.The Director General of Police/
Director of Prisons and Correctional Services,
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 of Police,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Elumbur, Chennai – 8.

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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and
M.NIRMAL KUMAR,J.

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