



W.P.(MD).No.24423 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.08.2023

CORAM

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

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Pandiyammal

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by
The Principal Secretary to Government,
Home (Prison) Department,
State of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai – 9.
- 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 Superintendent of Prison,
Madurai Special Prison for Woman,
Madurai District.

.. Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to release the petitioner by name Pandiyammal, wife of Kasimayan, aged about 56 years, now confining at Madurai Special Prison for Women under premature release on the basis of the G.O.Ms.64, Home (Pri IV) Department, dated 01.02.2018 or G.O.Ms.488, Home (Pri IV) Department, dated 15.11.2021 or under advisory board proceedings under Rule 341 of the Tamilnadu Prison Rules or any other appropriate order or government scheme 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.)

The petitioner, namely, Pandiyammal, who is confined at Special Prison for Women, Madurai, had given a representation to the respondents on 12.10.2022 seeking for her premature release. Since the said representation was not considered, the present Writ Petition has been filed.



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2. The learned Additional Public Prosecutor, on written instructions, submitted that the case of the petitioner for premature release under the Advisory Board scheme is under circulation with the Government and appropriate orders will be passed shortly.

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 12.10.2022, 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



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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.

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.)
17.08.2023

NCC : Yes / No

Index : Yes / No

Lm

To

1.The Principal Secretary to Government,
Home (Prison) Department,
State of Tamil Nadu,
Secretariat, St.George Fort,
Chennai – 9.

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 Superintendent of Prison,
Madurai Special Prison for Woman,
Madurai District.

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



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and
M.NIRMAL KUMAR,J.

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