



W.P.(MD).No.22708 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 19.09.2023

CORAM

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

W.P.(MD).No.22708 of 2023

Jaisankar

.. Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by the Additional Chief Secretary to Government,
Home (Prison-IV) Department,
Secretariat,
Fort St.George,
Chennai – 600 009.
- 2.The Additional Director General of Police,
Inspector General of Prison,
No.1, Gandhi Irwin Salai,
Egmore,
Chennai – 600 008.
- 3.The Deputy Superintendent of Prison,
Madurai Central Prison,
Madurai.
- 4.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

.. 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 consider the petitioner's representation dated 04.09.2023 of the petitioner's father namely Duraipandi, S/o.Sakkarai Muniyandi Thevar, C.P.No.4195, being eligible for premature release by G.O.(Ms).No.64 Home (Prison IV) department dated 01.02.2018 and G.O.(Ms)No.486 Home (Prison IV) Department, dated 15.11.2021.

For Petitioner : M/s.S.Prabha

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 04.09.2023, seeking for premature release of his father, namely, Duraipandi (C.P.No.4195). Since the said representation has not been considered, this 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 04.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of three (3) months 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.)
19.09.2023

NCC : Yes / No

Index : Yes / No

Lm

To

1.The Additional Chief Secretary to Government,
The State of Tamil Nadu,
Home (Prison-IV) Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Additional Director General of Police,
Inspector General of Prison,
No.1, Gandhi Irwin Salai,
Egmore, Chennai – 600 008.

3.The Deputy Superintendent of Prison,
Madurai Central Prison,
Madurai.

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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