



WP(MD)No.22825 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.09.2023

CORAM

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

W.P.(MD)No.22825 of 2023

Muthumari

... Petitioner

Vs.

1.State of Tamilnadu represented by
the Principal Secretary
Home (Prison) Department,
State of Tamilnadu, Secretariat,
Fort St. George, Chennai 600 009.

2.The Director General of Police/Director General of Prisons
and Correctional Services,
CMDA Towers II
No.1 Gandhi Irvin Road
Egmore, Chennai. 600 008.

3.The Deputy Inspector General of Prisons,
Trichy Range, Trichy.

4.The Superintendent of Prison,
Trichy Central Prison,
Trichy

... Respondents



WP(MD)No.22825 of 2023

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to release the petitioner's husband by name Doss @ Vattakkan @ Perumal @ Petha Perumal, son of Perumal (CP No. 23331) under premature release on the basis of G.O.Ms.No.64 Home (Pri IV) Department dated 01.02.2018 or G.O.(Ms) No.488 Home (Pri IV) Department dated 15.11.2021 or under Advisory Board proceedings under Rule 341 of the Tamil Nadu Prison Rules or any other appropriate order or Government scheme by considering the petitioner's representation dated 09.09.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.B.Dhanasekaran for
M/s.M.Sudha Rani
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 09.09.2023 seeking release of the petitioner's husband by name Doss @ Vattakkan @ Perumal @ Petha Perumal, son of Perumal (CP No.23331) under premature release on the basis of G.O.Ms.No.64 Home (Pri IV) Department dated 01.02.2018 or G.O.(Ms) No.488 Home (Pri IV) Department dated 15.11.2021 or under Advisory Board proceedings under Rule 341 of the Tamil Nadu Prison Rules or



WP(MD)No.22825 of 2023

any other appropriate order or Government scheme. 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 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 third respondent to consider the petitioner's representation, dated 09.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of twelve 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.



WP(MD)No.22825 of 2023

WEB COPY

4. With the above direction, this Writ Petition stands disposed of.

(M.S.R.,J.) & (M.N.K.,J.)
20.09.2023

NCC : Yes / No
Index : Yes / No
RR

To

1. The the Principal Secretary
Home (Prison) Department,
State of Tamilnadu, Secretariat,
Fort St. George, Chennai 600 009.
2. The Director General of Police/Director General of Prisons
and Correctional Services,
CMDA Towers II
No.1 Gandhi Irvin Road
Egmore, Chennai. 600 008.
3. The Deputy Inspector General of Prisons,
Trichy Range, Trichy.
4. The Superintendent of Prison,
Trichy Central Prison,
Trichy
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



WP(MD)No.22825 of 2023

M.S.RAMESH, J.

AND

M.NIRMAL KUMAR, J.

RR

W.P.(MD)No.22825 of 2023

20.09.2023