



W.P.(MD).No.23219 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 25.09.2023

CORAM

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

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Indira

.. Petitioner

Vs.

- 1.State of Tamil Nadu,
Represented by,
The Principal Secretary,
Home (Prison) Department,
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Director General of Police/
Director General of Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Egmore,
Chennai – 600 008.
- 3.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai Central Prison,
Madurai – 625 016.



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4.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

.. Respondents

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's husband namely Prabu S/o.Thibursiyan (CP No.2121), now confining at Palayamkottai Central Prison 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 petitioner's representation dated 05.09.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : M/s.A.Banumathy
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.



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2. The petitioner herein had given a representation to the respondents on 05.09.2023, seeking for premature release of her husband, namely, Prabu (CP No.2121). Since the said representation has not been considered, this 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. In the light of the above observations, there shall be a direction to the first respondent herein to consider the petitioner's representation, dated 05.09.2023, on its own merits and pass appropriate orders in accordance



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with law, within a period of twelve (12) 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.

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.)
25.09.2023

NCC : Yes / No
Index : Yes / No
Lm

To

1.The Principal Secretary,
State of Tamil Nadu,
Home (Prison) Department,
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Director General of Police/
Director General of Prisons and Correctional Services,
C.M.D.A. Towers II,
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Chennai – 600 008.



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3. The Deputy Inspector General of Prisons,
Madurai Range,
Madurai Central Prison,
Madurai – 625 016.

4. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli 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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