



WP(MD)No.23816 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 29.09.2023

CORAM

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

W.P.(MD)No.23816 of 2023

Arun

... Petitioner

Vs.

- 1.The Principal Secretary to Government
Home, Prohibition & Excise (Prison-IV) Department
Fort St. George, Chennai 600 009.
- 2.Inspector General of prisons
O/o.Prison Department Headquarters
Whannels Road,
Egmore Chennai 8
- 3.The Deputy Inspector General of Prisons
Trichy Range
Race Course Road,
Trichy 620 023
- 4.The Superintendent of Prison
Central Prison,
Trichy 620 020.

... Respondents



WP(MD)No.23816 of 2023

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents to consider the representation dated 22.09.2023 and prematurely release the petitioner's brother namely Murugan, S/o.Kannan (Convict No.17351) now confined at Central Prison, Tiruchirappalli under Rule 341(2) of the Tamil Nadu Prison Rules, 1983.

For Petitioner : Mr.C.Karthikeyan
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 22.09.2023 seeking premature release of his brother, viz., Murugan, S/o.Kannan, who is a life convict (Convict No.17351) confined at Central Prison, Trichy. 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,



WP(MD)No.23816 of 2023

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 first respondent herein to consider the petitioner's representation, dated 22.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of six 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.

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

(M.S.R.,J.) & (M.N.K.,J.)
29.09.2023

NCC : Yes / No
Index : Yes / No
RR



WP(MD)No.23816 of 2023

To

1. The Principal Secretary to Government
Home, Prohibition & Excise (Prison-IV) Department
Fort St. George, Chennai 600 009.
2. Inspector General of prisons
O/o. Prison Department Headquarters
Whannels Road,
Egmore Chennai 8
3. The Deputy Inspector General of Prisons
Trichy Range
Race Course Road,
Trichy 620 023
4. The Superintendent of Prison
Central Prison,
Trichy 620 020.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



WP(MD)No.23816 of 2023

M.S.RAMESH, J.

AND

M.NIRMAL KUMAR, J.

RR

W.P.(MD)No.23816 of 2023

29.09.2023