



WP(MD)No.23904 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.23904 of 2023

Subbulakshmi

... Petitioner

Vs.

1.The State of Tamil Nadu, rep. by
the Principal Secretary to Government
Home, Prohibition & Excise (Prison-IV) Department
Fort St. George, Secretariat, Chennai 600 009.

2.The Additional Director General of Police/
Inspector General of prisons
CMDA Towers II
No.1 Gandhi Irwin Road,
Egmore Chennai 8

3.The Superintendent of Prison
Madurai Special Prison for Women,
Trichy District

... Respondents

PRAYER: 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 Subbulakshmi, wife of Marisamy, aged about 60 years, now confined at Madurai Special Prison for women under premature release on the basis of the 75th



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anniversary of the Indian Independence Special Remission to Prisoners “Azadi ka Amrit Mahotsav” or any other scheme or any other government scheme by considering the petitioner's representation dated 26.09.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani
For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by *M.S.RAMESH,J.*)

The petitioner herein, who is a life convict (Convict No.17351) confined at Special Prison, Madurai, had given a representation to the respondents on 26.09.2023 seeking premature release. 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



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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 26.09.2023, on its own merits and pass appropriate orders in accordance with law, within a period of eight 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



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To

1. The Principal Secretary to Government
Home, Prohibition & Excise (Prison-IV) Department
Fort St. George, Secretariat, Chennai 600 009.
2. The Additional Director General of Police/
Inspector General of prisons
CMDA Towers II
No.1 Gandhi Irwin Road,
Egmore Chennai 8
3. The Superintendent of Prison
Madurai Special Prison for Women,
Trichy District
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.S.RAMESH, J.

AND

M.NIRMAL KUMAR, J.

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