



W.P(MD)No.27875 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2023

CORAM :

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.P(MD)No.27875 of 2023

Balu @ Balasubramanian

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Prison) Department,
State of Tamil Nadu,
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,
Elumbur, Chennai-600 008.

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

4. The Superintendent of Prison,
Central Prison, Madurai District.

... Respondents



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Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to release the petitioner by name Balu @ Balasubramanian son of Periyakaruppu (CP No.4754), now confining at Madurai 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 his representation dated 27.06.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **M.SUNDAR, J.**]

Captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity, convenience and clarity) has been filed in this Court on 20.11.2023 and the captioned WP is anchored on a representation given by the WP petitioner regarding his premature release.



2.To be noted, WP petitioner is now a convict prisoner and he is a inmate in Madurai Central Prison (Convict Prisoner No.4754).

[illegible]

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4.Adverting to the above representation, learned counsel submits that it is dated 06.11.2023 (to be noted, the representation does not bear any date). Be that as it may, there is an acknowledgment from the jailor of the Central Prison, Madurai, saying that the same has been received on 07.11.2023.

5.Learned counsel for WP petitioner submits that the WP petitioner satisfies all the determinants / parameters and is entitled to premature release.

6.Issue notice.

7.Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor accepts notice for all four respondents and submits, on instructions, that the representation of the WP petitioner is being considered but it is being considered in the light of G.O.(Ms) No.430 dated 11.08.2023. Learned Prosecutor also submits, on instructions, that a decision on the aforementioned representation will be taken and twelve (12) weeks from today will be a realistic time frame.



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8.In the light of the narrative thus far, considering the narrow scope on which the matter now turns, main WP is taken up with the consent of both sides.

9.Captioned main WP is disposed of with a directive to the respondents to dispose of aforementioned representation of WP petitioner as expeditiously as the business of the respondents would permit and in any event within twelve (12) weeks from today i.e., by 19.02.2024. Though obvious, we make it clear that said representation shall be considered on its own merits and in accordance with law and we have not expressed any view or opinion on the merits of the matter.

10.Captioned WP is disposed of with the aforementioned directive. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
27.11.2023

Index : Yes/No
Neutral Citation : Yes/No

PKN



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To

1. Secretary to Government,
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Home (Prison) Department,
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Secretariat, Fort St.George,
Chennai – 600 009.
2. The Director General of Police/Director General of
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3. The Deputy Inspector General of Prison,
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Madurai – 625 016.
4. The Superintendent of Prison,
Central Prison, Madurai District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

PKN

ORDER MADE IN
W.P(MD)No.27875 of 2023

27.11.2023