



W.P(MD)No.28293 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 01.12.2023

CORAM :

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

W.P(MD)No.28293 of 2023
and W.M.P.(MD)No.24373 of 2023

K.Sivanayaki

... Petitioner

vs.

- 1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home (Prison -IV) Department,
Secretariat, Fort St. George,
Chennai – 600 009.
- 2.The Director General of Police,
Director General of Prison and Correctional Service,
Egmore, Chennai – 600 008.
- 3.The Superintendent of Prison,
Madurai Central Prison,
Madurai – 625 016.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st Respondent to release the Petitioner's husband namely Karnan @ Karunamoorthi, S/o.Boominathan (C.P.No.4563) based on the report made by the Advisory Board as per Rule-341 of the Tamil Nadu Prison Rule, 1983



W.P(MD)No.28293 of 2023

which was forwarded to the 1st Respondent vide Letter No.32331/P.S. 1/2022, dated 05.12.2022 by the 2nd Respondent.

For Petitioner : Mr.C.Mayilvahana Rajendran

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

ORDER

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

Captioned 'Writ Petition' ('WP' for the sake of brevity) has been filed with a mandamus prayer.

2. Mr.C.Mayilvahana Rajendran, learned counsel on record for WP petitioner who is before us submits that subject matter pertains to premature release of petitioner's husband one 'Thiru.Karnan @ Karunamoorthi, son of Boominathan' (C.P.No.4563, who is now lodged in Madurai Central Prison) {hereinafter 'prison inmate' for the sake of convenience}.

3. Learned counsel for WP petitioner submits that premature release of the aforementioned prison inmate is being considered and



W.P(MD)No.28293 of 2023

advisory Board vide Rule 341 of Tamil Nadu Prison Rules, 1983, has forwarded a letter dated 05.12.2022 bearing reference Letter No. 32331/P.S.1/2022 to the first respondent. It is under such circumstances, captioned WP has been filed with a mandamus prayer, is learned counsel's say.

4. Issue notice.

5. Mr.A.Thiurvadi Kumar, learned Additional Public Prosecutor accepts notice for all three respondents and submits, on instructions, that the premature release plea of the aforementioned prison inmate is under active consideration of the respondents and that a call will be taken on the same. Learned Additional Public Prosecutor submits that eight (8) weeks from today will be a reasonable time frame. This submission is recorded.

6. Owing to the trajectory the matter has taken and the narrow scope of the captioned WP, with the consent of both sides, main WP was taken up and heard out.



W.P(MD)No.28293 of 2023

7. Captioned Writ Petition is disposed of with a directive to the first respondent to take a decision on the premature release plea of aforementioned prison inmate ie., Thiru.Karnan @ Karunamoorthi, son of Boominathan (C.P.No.4563, who is now lodged in Madurai Central Prison) *inter alia* based on the aforementioned Advisory Board report as expeditiously as the business of the first respondent would permit but in any event within eight (8) weeks from today ie., by 26.01.2024.

8. Though obvious we make it clear that the first respondent shall decide the matter on its own merits and in accordance with law as we have not expressed any opinion or view one way or the other on the premature release plea.

9. Captioned WP is disposed of in the aforesaid manner. Consequently, connected miscellaneous petition is closed. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
01.12.2023

Index : Yes/No
Neutral Citation : Yes/No

vsm



W.P(MD)No.28293 of 2023

To

WEB COPY

1. The Principal Secretary to Government,
State of Tamil Nadu,
Home (Prison -IV) Department,
Secretariat, Fort St. George,
Chennai – 600 009.
2. The Director General of Police,
Director General of Prison and Correctional Service,
Egmore, Chennai – 600 008.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai – 625 016.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



W.P(MD)No.28293 of 2023

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

vsm

ORDER MADE IN
W.P(MD)No.28293 of 2023

DATED : 01.12.2023