



WP(MD)No.29193 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.12.2023

CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.29193 of 2023

Kumar @ Palanikumar

: Petitioner

Vs.

- 1.State of Tamil Nadu, Represented by,
The Principal Secretary,
Home, Prohibition and Excise Department,
State 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.
- 3.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai District.



WP(MD)No.29193 of 2023

4.The Superintendent of Prison,
Madurai Central Prison,
Madurai 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 Kumar @ Palanikumar son of Samayamuthu aged about 53 years now confining as convict prisoner in Madurai Central Prison under Advisory Board proceedings in accordance with Rule 341 of the Tamil Nadu Prison Rules 1983 or any appropriate Government Order or under any other premature release scheme issued by the Respondent No. 1 in accordance with law within the time stipulated by this Honourable Court

For Petitioner : Mr.R.Alagumani

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 in this Court on 06.12.2023.



WP(MD)No.29193 of 2023

2. Factual matrix in a nutshell is that WP petitioner is a life convict now lodged in Madurai Central Prison; that 'WP petitioner' shall also be referred to as 'said prison inmate' and this is with the intention of using better / refined glossary; that said prison inmate has completed 17 years of sentence ie., he is remained incarcerated for 17 years; that said prison inmate is now aged 53 years; that said prison inmate on completion of 14 years of sentence became eligible for being considered for premature release; that said prison inmate has completed 17 years but he has still not been considered is the grievance of the WP petitioner.

3. Mr.R.Alagumani, learned counsel on record for WP petitioner, who is before this Court in the Admission Board, reiterates the aforesaid factual matrix.

4. Issue notice.

5. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor accepts notice for all four respondents and submits on instructions that the case of WP petitioner for premature release is now under consideration. Learned Additional Public Prosecutor submits that fourth respondent has



WP(MD)No.29193 of 2023

made a proposal for considering said prison inmate for premature release under Advisory Board Scheme ie., under Rule 341 of 'the Tamil Nadu Prison Rules, 1983' (hereinafter 'said Rules' for the sake of convenience). Learned Additional Public Prosecutor submits that twelve (12) weeks from today will be a reasonable time frame for considering and concluding the matter.

6. In the light of the narrative thus far, we deem it appropriate to dispose of captioned WP with a directive to the respondents to consider the case of WP petitioner for premature release under Advisory Board Scheme under Rule 341 of said Rules as expeditiously as the business of the respondents would permit but in any event within twelve (12) weeks from today ie., by 05.03.2024. Though obvious we make it clear that we are not expressing any view or opinion on the merits of the matter and it is for the respondents to consider the case of WP petitioner for premature release on its own merits and on the basis of applicable law.

7. If the outcome ie., the decision is not in favour of WP petitioner either wholly or in part, it is open to WP petitioner to assail the same in a manner known to law without being impeded by this order.



WP(MD)No.29193 of 2023

8. The order regarding premature release shall be communicated to WP petitioner within three (3) working days from the date on which the decision is taken.

9. Captioned WP is disposed of in the aforesaid manner with the aforesaid directives and the preservations of rights in the aforesaid manner. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

12.12.2023

Neutral Citation : Yes/No
Index : Yes/No

vsm

PS: Though captioned Writ Petition is disposed of, list the matter under the cause list caption 'FOR REPORT' on 08.03.2024.



WP(MD)No.29193 of 2023

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

vsm

To

The Principal Secretary,
Home, Prohibition and Excise Department,
State 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.

3.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai District.

W.P.(MD)No.29193 of 2023

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

12.12.2023