



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.12.2023

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CORAM :

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

W.P(MD)No.29367 of 2023

Kalanjiyathal

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by the Additional Chief Secretary to Government,
Home (Prison-IV) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Additional Director General of Police,
Inspector General of Prison,
No.1, Gandhi Irwin Salai,
Egmore, Chennai-600 008.

3. The Superintendent of Prison,
Madurai Central Prison,
Madurai.

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned order passed by the 1st Respondent in G.O(D)No.1228, Home (Prison-IV) Department dated 27.10.2023 and quash the same as illegal and direct the 1st respondent to premature release the



petitioner's husband namely, Muruganantham S/o.Rajappan @ Perumal, C.P.No.4178, from the 3rd Respondent Prison.

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For Petitioner : Mrs.S.Prabha
For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

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

This order will now dispose of the captioned main 'Writ Petition' [hereinafter 'WP' for the sake of brevity] and the captioned 'Writ Miscellaneous Petition' [hereinafter 'WMP' for the sake of brevity] thereat.

2. Factual matrix in a nutshell is that WP petitioner's spouse Mr.Muruganantham, son of Mr.Rajappan @ Perumal is a life convict [Convict Prisoner No.4178] now lodged in Central Prison, Madurai; that 'convict prisoner' shall hereinafter be referred to as 'said prison inmate' for the sake of convenience and as a matter of better / refined Glossary; that said prison inmate sought premature release *inter alia* by predicating the plea on Advisory Board Scheme vide Rule 341 of the 'Tamil Nadu Prison Rules 1983' [hereinafter 'said Rules' for the sake of brevity]; that this plea was rejected in and by 'G.O(D)No.1228, Home (Prison-IV) Department, dated 27.10.2023' [hereinafter 'impugned G.O' for the sake of convenience and clarity]; that assailing impugned G.O [Certiorari limb] and seeking premature



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release of said prison inmate [Mandamus limb], captioned WP has been filed with a Certiorarified Mandamus prayer by said prison inmate's wife.

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3. In the admission board today, Ms.S.Prabha, learned counsel on record for WP petitioner reiterated the aforesaid facts.

4. Issue Notice.

5. Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor accepts notice for all four respondents. Learned Prosecutor, on instructions, submits that said prison inmate is eligible to be considered for premature release under G.O.No.430 dated 11.08.2023 but five months from today will be a reasonable time frame for taking up the consideration and concluding the same in accordance with G.O.Ms.No.430 dated 11.08.2023. Learned counsel for petitioner submitted that she would not be insisting on the Certiorari prayer and she would only persuade this Court to consider the Mandamus limb of the prayer as learned Prosecutor has indicated that said prison inmate is eligible to be considered for premature release vide G.O.No. 430 dated 11.08.2023. Learned Prosecutor further submits that as on 30.11.2023, said prison inmate has completed 21 years and one month of sentence.



6. The above submissions of learned Prosecutor are recorded.

7. In the light of the narrative thus far, we drop the curtains on the captioned WP. Let the case of said prison inmate i.e., Mr.Muruganantham, son of Mr.Rajappan [Convict Prisoner No.4178] now lodged in Central Prison, Madurai, be considered for premature release in accordance with G.O.No.430 dated 11.08.2023 and let a decision be taken by 1st respondent as expeditiously as business of respondents would permit but in any event by 30.04.2024. Though obvious, we make it clear that we have not expressed any opinion or view on the merits of the matter and the decision of first respondent shall be on merits and in accordance with law.

8. In the light of the narrative thus far, captioned WP is disposed of as closed albeit with aforementioned directive. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
13.12.2023

Index : Yes / No
Neutral Citation : Yes / No
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To

1. The Additional Chief Secretary to Government,
State of Tamil Nadu,
Home (Prison-IV) Department,



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Secretariat, Fort St. George,
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3. The Superintendent of Prison,
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Madurai.

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Madurai Central Prison,
Madurai.

5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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ORDER MADE IN
W.P(MD)No.29367 of 2023
DATED : 13.12.2023
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