



W.P.No.2188 of 2024
and
W.M.P.No.2374 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.04.2024

CORAM:

THE HON'BLE MR.JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.2188 of 2024
and W.M.P No.2374 of 2024

P.Stella Marry

...Petitioner

VS.

- 1.State by: The Additional Chief Secretary
Government of Tamil Nadu,
Home (Prison – IV) Department,
Secretariat, Chennai – 600 009.
- 2.The Director General of Police and
Inspector General of Prisons,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.
- 3.The Superintendent of Prisons
Central Prison,
Coimbatore.



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4. The Superintendent of Prisons,
Central Prison – I,
Puzhal, Chennai – 600 066.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 30.12.2023 and release the petitioner's husband namely M.Pandiyan S/o.Mani, Life Convict, now confined in the Central Prison – 1, Puzhal, Chennai under the 20 years premature release policy scheme.

For Petitioner :: Ms.S.Nadhiya

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
Assisted by
Mr.C.Aravind

ORDER

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

The petitioner herein, who is a wife of the life convict namely Mr.M.Pandiyan, S/o.Mani, has come forward with this Writ Petition seeking for premature release pursuant to her representation dated 30.12.2023.



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2. The petitioner states that her husband was convicted for the offences under Sections 302 r/w 34, 394 r/w 397 and 307 r/w 34 of the Indian Penal Code by the learned Additional District Judge, Fast Track Court – 1, Chengalpattu, in S.C.No.485 of 2003 and was sentenced to undergo life imprisonment. Aggrieved against the said order, an appeal was filed in CrI.A.No342 of 2007 and the same was dismissed by this Court. Relying upon the Government Orders passed by the first respondent in Letter (FS) No.1358 Home, Dated 10.11.1994 and G.O.(Ms.No.428, Home (Prison-IV) Department, dated 29.07.2011), the petitioner has given a representation on 30.12.2023 to the respondents, seeking for premature release to her husband. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



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4. 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 extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In view of the above observations, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 30.12.2023, seeking to release her husband prematurely, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of two (2) months and communicate the same to the petitioner.



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6. With the above direction, this Writ Petition stands disposed of.

No costs. Connected miscellaneous petition is closed.

7. Post the matter for 'reporting compliance' on 26.06.2024.

(M.S.R.,J.)

(S.M.,J.)

22.04.2024

dk

Index : Yes / No

Neutral Citation : Yes / No

Copy to:

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5.The Public Prosecutor,
High Court, Madras.



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