



WEB COPY



W.P.No.6598 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.6598 of 2024
and W.M.P.Nos.7324 & 7325 of 2024

Maheswari

... Petitioner

Vs.

The State represented by its
1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort St.George,
Chennai – 600 009.

2.The Superintendent,
Cuddalore Central Prison,
Cuddalore – 607 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to release the detenue, Anbarasan S/o.Raman, aged about 52 years, Convict No.15133 confined at Central Prison, Cuddalore, prematurely, as per the G.O.(Ms)No.64, dated 01.02.2018 issued by the Government of Tamil Nadu Home Department (Prison-IV) and under Tamil Nadu Prison Manual, Rules, 1983, Rules Nos.632, 633 and 634.



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For Petitioner : Dr.S.Manoharan
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 the wife of the life convict namely Anbarasan, S/o.Raman, has come forward with this Writ Petition seeking for premature release pursuant to her representation dated 15.11.2023.

2. The petitioner states that her husband was convicted for the offenses under Sections.302 of IPC and sentenced to undergo life imprisonment and to pay a fine of Rs.5000/-, in default to undergo 2 years RI, U/s.148 of IPC and sentenced to undergo 1 year RI, U/s.341 of IPC and sentenced to undergo 1 month SI, U/s.307 of IPC r/w.Section 3 of Explosive Substances Act and to undergo 1 year RI and the sentences were ordered to run concurrently, by the learned 1st Additional District Sessions Judge, Salem in S.C.No.34 of 1999, dated 20.10.2004. Relying upon the Government Orders passed in G.O.(Ms).No.64 Home (Prison-IV) Department dated 01.02.2018 and the Rule Nos.632, 633 and 634 of the



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Tamil Nadu Prison Manual Rules 1983, the petitioner has given a representation on 15.11.2023 to the respondents, seeking for premature release of 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.

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



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in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 15.11.2023, 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 eight (8) weeks and communicate the same to the petitioner.

6. With the above direction, this Writ Petition stands disposed of. No costs. Connected miscellaneous petition is closed.

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

14.06.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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and
SUNDER MOHAN, J.

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To

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3.The Public Prosecutor,
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