



WEB COPY



W.P.No.8272 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2024

CORAM :

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

W.P.No.8272 of 2024
and W.M.P.No.9229 of 2024

Madhushri

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep. by the Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police &
Director General of Prisons and Correctional Service,
Gandhi Irwin Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prisons,
Central Prison,
Salem.

... 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 petitioner under premature release by considering the representation
dated 04.03.2024 of petitioner's father namely Loganathan, son of



W.P.No.8272 of 2024

Sengodan, aged about about 45 years, now confined in the Central Prison, Salem, under the Advisory Board Scheme and under G.O.(Ms).No.430 and G.O.No.488 for premature release of life convict No.7257 within a reasonable period.

For Petitioner : Mrs.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 daughter of the life convict namely Loganathan, S/o.Sengodan, has come forward with this Writ Petition seeking for premature release pursuant to her representation dated 04.03.2024.

2. The petitioner states that her father was convicted for the offence under Sections 302 (2 counts), 506(ii) (4 counts), 449 and 307 of IPC by the Additional District and Sessions Judge (Fast Track Court), Namakkal in S.C.No.135 of 2005 and was sentenced to undergo life imprisonment. Aggrieved against the said order, the petitioner's father filed CrI.A.No.751 of 2013 and the same was dismissed by this Court. Relying upon the



W.P.No.8272 of 2024

Government Orders passed by the first respondent in G.O.Ms.No.488, Home (Prison-IV) Department, dated 15.11.2021 and G.O.Ms.No.430, Home (Prison-IV) Department, dated 11.05.2023, the petitioner has given a representation on 04.03.2024 to the respondents, seeking for premature release to her father. 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



W.P.No.8272 of 2024

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 04.03.2024, seeking to release her father prematurely, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of three (3) months 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.

7. Post the matter for 'reporting compliance' on 01.07.2024.

[M.S.R., J]

[S.M., J]

28.03.2024

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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W.P.No.8272 of 2024

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To

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Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.

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3.The Superintendent of Prisons,
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4.The Public Prosecutor,
High Court, Madras.



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and
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