



W.P.No.11478 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

and

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.11478 of 2024

Jayakodi

... Petitioner

Vs.

1.The Home Secretary
Home Department
Secretariat, Fort St. George
Chennai 600 009

2.The Director General of Prisons and
Inspector General of Prisons
Whannels Road, Ansari Estate,
Egmore, Chennai-600 008.

3.The Deputy Director General of Prison
O/o. Deputy Director General of Prison
Vellore Central Prison, Vellore District

4.The Superintendent of Prison
Cuddalore Central Prison
Cuddalore District

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



W.P.No.11478 of 2024

praying for the issuance of Writ of Mandamus, to direct the respondents to premature release of the life convict Mr.Senthilkumar, S/o.Thangavel, CT-14254 as per the G.O.Ms.No.448 Home (Prison-IV) Department in pursuant to the representation to the respondents dated 11.03.2024.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
and
SUNDER MOHAN, J.

The petitioner herein, who is the mother of the life convict, has come forward with this Writ Petition seeking for a direction, to direct the respondents to release the life convict Mr.Senthilkumar, S/o.Thangavel, CT-14254 prematurely as per the G.O.Ms.No.448 Home (Prison-IV) Department in pursuant to the representation to the respondents dated 11.03.2024.

2. The learned counsel for the petitioner submitted that her son was convicted and sentenced to undergo life imprisonment for the offence under Section 302 I.P.C. by the learned District Mahila Court, Cuddalore



W.P.No.11478 of 2024

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in S.C.No.283 of 2010 vide order dated 03.01.2011. Aggrieved by the said order, the prisoner preferred CrI.A.No.182 of 2021 before this Court and the same came to be dismissed. The petitioner further states that her son is a heart patient and he is continuously taking treatment for the same. Hence, she has given a representation dated 11.03.2024 to the respondents to release the life convict prematurely as per G.O.Ms.No.488, Home (Prison-IV) dated 15.09.2021. 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



W.P.No.11478 of 2024

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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 observation, 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 11.03.2024, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

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

No costs.

[M.S.R., J] [S.M., J]
23.07.2024

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To



W.P.No.11478 of 2024

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4.The Superintendent of Prison
Cuddalore Central Prison
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5.The Public Prosecutor
High Court of Madras
Chennai 600 104



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W.P.No.11478 of 2024

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W.P.No.11478 of 2024

23.07.2024