



WEB COPY



W.P.No.13073 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.13073 of 2024
and W.M.P.No.14238 of 2024

Saritha

... Petitioner

Vs.

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

2.The Director General of Police &
Inspector General of Prisons,
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 for the issuance of Writ of Mandamus, directing the respondents to release the petitioner's husband under premature release by considering the representation dated 11.04.2024 of petitioner's husband namely Madhesh, S/o.Ramar, aged 54 years, now confined in the Central Prison, Salem, under



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G.O.No.488 for premature release of life convicts.

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For Petitioner : Mrs.S.Nadhiya

For Respondents : Mr.A.Gokulakrishnan,
Additional Public Prosecutor

ORDER

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

The petitioner has given a representation dated 11.04.2024 to the respondents, seeking to release her husband prematurely under G.O.Ms.No.488 dated 15.11.2021. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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

3. 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 them 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



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them to consider the same within a stipulated time.

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4. 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 11.04.2024, seeking for premature release of her husband, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

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

[M.S.R., J]

[S.M., J]

03.07.2024

Index: Yes/No

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

Sni

To

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

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

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

4.The Public Prosecutor,
High Court, Madras.

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