



W.P.No.14398 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2024

CORAM :

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

W.P.No.14398 of 2024
and W.M.P.No.15647 of 2024

Dhanalakshmi

... 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 Deputy Inspector General of Prisons,
and correctional service,
Whannels Road,
Egmore, Chennai – 600 008.

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India



W.P.No.14398 of 2024

praying to issue a Writ of Mandamus, directing the respondents to release the petitioner under premature release by considering the representation dated 12.04.2024 of petitioner's husband namely Varadharajan, S/o of Kaaliyappan, aged about 44 years, now confined in the Central Prison, Salem under the G.O.No.488 for premature release of life convicts, within a reasonable period.

For Petitioner	: M/s.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 the wife of the life convict namely Varadharajan S/o.Kaaliyappan, has come forward with this Writ Petition seeking for premature release pursuant to her representation dated 12.04.2024.

2. The petitioner states that her husband was convicted for the offenses under Sections.302 of IPC and sentenced to undergo life imprisonment, by the learned Additional Sessions Judge (Fast Track Court No-1) Salem in S.C.No.338 of 2004. Relying upon the Government Orders



W.P.No.14398 of 2024

passed in G.O.Ms.No.488, Home (Prison-IV) Department, dated 15.11.2021, the petitioner has given a representation on 12.04.2024 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



W.P.No.14398 of 2024

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 12.04.2024, 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 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.

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

12.06.2024

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No

Tsg



W.P.No.14398 of 2024

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

Tsg

To

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 Deputy Inspector General of Prisons,
and correctional service,
Whannels Road,
Egmore, Chennai – 600 008.

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

5.The Public Prosecutor,
High Court, Madras.

W.P.No.14398 of 2024

12.06.2024