



WEB COPY



W.P.No.22626 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

W.P.No.22626 of 2024

Yasodha

... Petitioner

Vs.

1.The State represented by its,
Home Secretary (Prison-IV)
Home Department, Secretariat,
Fort St. George, Chennai-600 009.

2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison at Vellore,
Thorapadi, Vellore-2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the first respondent to pass an order by considering the petitioner's representation dated 05.07.2024 and consequently, direct the respondents to release the petitioner's husband namely Mr.Eswaran, S/o.Jeganatha Chettiyar (CT No.11249) forthwith set at liberty.

For Petitioner

: Mr.K.Sakthivel



WEB COPY



W.P.No.22626 of 2024

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER

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

The Writ of Mandamus has been instituted to direct the 1st respondent to consider the representation submitted by the Writ Petitioner on 05.07.2024 for premature release of convict and pass orders.

2.The wife of the convict is the Writ Petitioner before us. Her husband, Mr.Eswaran, S/o.Jeganatha Chettiyar (CT No.11249) is lodged in Central Prison at Vellore and an application has been submitted on 05.07.2024 for premature release of the husband of the Writ Petitioner. Since it was not considered, the present Writ Petition came to be instituted.

3.It is the duty casted upon the public officers to ensure that the applications submitted for premature release or any other grievance are considered and orders are passed on merits. Such an exercise is expected to be done within a reasonable period of time. Inordinate delay in disposing of such representations undoubtedly would cause prejudice to the convicts and therefore, authorities are expected to borne in mind that the representations of



W.P.No.22626 of 2024

this nature are looked into at the earliest possible.

WEB COPY

4. There is a practice of filing Writ Petitions seeking directions to dispose of the representation. Some of the Writ Petitions are filed, soon after sending representations to the authorities. Some other Writ Petitions are filed, after a lapse of few months from the date of submission of the representations. In the event of High Court issuing a direction in a particular case to dispose of the representation, the authorities may not be in a position to dispose of any other similar representations, which are all pending on the file of the authorities. There is a likelihood of causing discrimination and causing delay of such representations for premature release or to redress any other grievances.

5. Representations for premature release or to redress any other grievances ought to be considered by the competent authority in a consistent manner and by considering the date of receipt of such representation. It is to be decided on seniority basis, so as to avoid discrimination amongst the applicants seeking premature release or to redress any other grievances. There cannot be any discrimination in the matters of considering the representations submitted on behalf of the convicts. Equality clause enunciated under the Constitution requires the public authorities to consider the grievances of the convicts in an



W.P.No.22626 of 2024

uniform and consistent manner, so as to ensure that the benefits of premature release is extended to all the eligible convicts in an uniform manner.

6.Few convicts are approaching the High Court and getting a direction to consider the representation. However, similar other convicts may not be in a position to file a Writ Petition before the High Court seeking such a direction. The plight of those convicts are also to be considered by the High Court, being a Constitutional Court. Therefore, the basic rights of the parties ought to be addressed and redressed without causing any discrimination and in an uniform manner.

7.The competent authorities are expected to perform their public duties in an prudent manner, so as to ensure that, such applications are decided within a reasonable period of time and without causing any undue delay and in an uniform manner in the order of seniority. It may not be required for the High Court to issue such a direction in all such cases, where applications are submitted and pending.

8.The Government Order issued in ***G.O.Ms.No.488, Home (Prison-IV)***



W.P.No.22626 of 2024

Department, dated 15.11.2021 deals with premature release of life convict prisoners. The State Level Committee/District Level Committee are constituted for the purpose of dealing with such applications. Therefore, the authorities competent shall ensure that the process contemplated are followed scrupulously, so as to ensure that the applications are decided in an expeditious manner.

9. Therefore, the 2nd respondent/ The Director General of Prisons is directed to issue suitable circulars/instructions to all the competent authorities to process all such applications, pending before the authorities across the State of Tamil Nadu and consider the applications based on seniority, which is to be maintained in a register and dispose of the same on merits and in accordance with law as expeditiously as possible.

10. The said exercise is directed to be completed by the 2nd respondent/The Director General of Prisons within a period of four weeks from the date of receipt of a copy of this Order.

11. The petitioner is at liberty to submit a fresh representation before the appropriate authority.



W.P.No.22626 of 2024

WEB COPY

12. With the above directions, this Writ Petition is disposed of. There shall be no order as to costs.

13. List the matter on 05.09.2024, under the caption “for reporting compliance”.

[S.M.S., J.]

[V.S.G., J.]

07.08.2024

Index: Yes/No

Speaking/Non-speaking order

gd

To

1. The State represented by its,



W.P.No.22626 of 2024

Home Secretary (Prison-IV)
Home Department, Secretariat,
Fort St. George, Chennai-600 009.

2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison at Vellore,
Thorapadi, Vellore-2.

4.The Public Prosecutor,
High Court,
Madras.



WEB COPY



W.P.No.22626 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

gd

W.P.No.22626 of 2024

07.08.2024