



WEB COPY



W.P.No.32460 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2024

CORAM :

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

W.P.No.32460 of 2023

Fathima

... Petitioner

Vs.

The State represented by its

1.The Secretary to Government of Tamilnadu
Department of Home
Fort St. George
Chennai-600 009

2.The Superintendent
Central Prison
Palayamkottai 627 007

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the rejection order No.G.O.(Ms)No.372, dated 29.03.2023 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to release the detenu, Mohammed Moosa, S/o. Mohammed Haneefa, Convict No.9400 prematurely, detained at Central Prison, Palaymkottai as per the G.Os. G.O.(Ms.)No.1155 dated



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11.09.2008 and G.O.(Ms).No.64 dated 01.02.2018.

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For Petitioner : Dr.S.Manoharan
For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

The limited prayer sought for in the present writ petition is to call for the records pertaining to the rejection order No.G.O.(Ms)No.372, dated 29.03.2023 issued by the 1st respondent and quash the same and consequently direct the 1st respondent to release the detenu, Mohammed Moosa, S/o. Mohammed Haneefa, Convict No.9400 prematurely, detained at Central Prison, Palaymkottai as per the G.Os. G.O.(Ms.)No.1155 dated 11.09.2008 and G.O.(Ms).No.64 dated 01.02.2018.

2. In the counter affidavit filed by the respondents, it is stated that the case of the life convict for a pre-mature release is under consideration in G.O.(Ms) No.430, Home (Prison-IV) Department, dated 11.08.2023 and that they are awaiting notification of the Tamil Nadu Prison Rules, 1983.



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3. In the light of the above submissions, there shall be a direction to the 1st respondent to consider the premature release of the petitioner's husband under G.O.(Ms) No.430, Home (Prison-IV) Department, dated 11.08.2023 and pass final orders within a period of four (4) weeks from the date of receipt of a copy of this order.

4.This writ petition stands disposed of accordingly.

[M.S.R., J] [S.M., J]
16.07.2024
(2/2)

kas

Index: Yes/No
Neutral Citation

To

1.The Secretary to Government of Tamilnadu
Department of Home
Fort St. George,
Chennai-600 009.

M.S.RAMESH, J.
and



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SUNDER MOHAN, J.

kas

2.The Superintendent
Central Prison
Palayamkottai 627 007

3.The Public Prosecutor,
High Court of Madras,
Chennai 600 104

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16.07.2024

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