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W.P.(MD)NO.18682 OF 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2024

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

AND

THE HON'BLE MS.JUSTICE R. POORNIMA

W.P.(MD)No.18682 of 2024 AND

W.M.P.(MD)No.15809 of 2024

Ganesan

... Petitioner

Vs.

1. The State of Tamil Nadu,
Rep. By the Principal Secretary to Government,
Home (Prison) Department,
State of Tamil Nadu,
Secretariat, St.George Fort,
Chennai – 9.
2. The Director General of Prisons Correctional Services,
Tamil Nadu Prison Head Quarters,
No.6, Whennals Road,
Egmore, Chennai – 600 008.
3. The Superintendent of Prison,
Central Prison, Madurai,
Madurai District.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned G.O.(D).No.71, Home (Prison-IV) Department, dated 23.01.2024 and quash the same as illegal, consequently to direct the respondents to release the petitioner namely



Ganesan aged about 72 years now confining at Madurai Central prison under premature release on the basis of the representation submitted by the petitioner dated 18.07.2024 within the time stipulated by this Court.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

* * *

ORDER

(Order of the Court was delivered by G.R.SWAMINATHAN, J.)

Heard both sides.

2. The petitioner is undergoing life sentence in Central Prison, Madurai. He is yet to complete 14 years of incarceration. His case therefore could not be considered under G.O.(Ms)No.488 Home (Prison-IV) Department dated 15.11.2021. Rejection order was passed vide G.O. (D)No.71 Home (Prison-IV) Department dated 23.01.2024. Questioning the same, this writ petition came to be filed.

3. As rightly submitted by the learned Additional Public Prosecutor, premature release is not a matter of right. When the petitioner did not fulfil the parameters laid down in the relevant Government Order,



the question of considering the case does not arise at all. In any event, the petitioner would complete 14 years of incarceration in another two months. In the counter affidavit filed by the respondents, it has been undertaken that immediately thereafter the petitioner's case will be placed before the Advisory Board.

4. We direct the first respondent to expeditiously consider the petitioner's case under Rule 341 of Tamil Nadu Prison Rules, 1983. With this direction, this writ petition stands disposed of. No costs.

(G.R.SWAMINATHAN, J.) & (R. POORNIMA, J.)
16th December 2024

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
PMU



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To:

1. The Principal Secretary to Government,
Home (Prison) Department,
State of Tamil Nadu,
Secretariat, St.George Fort,
Chennai – 9.
2. The Director General of Prisons Correctional Services,
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No.6, Whennals Road,
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3. The Superintendent of Prison,
Central Prison, Madurai,
Madurai District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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5

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