



W.P.(MD)No.79 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.79 of 2024

Murugeshwari

: Petitioner

Vs.

1.The State of Tamil Nadu represented by
The Home Secretary,
The Government of Tamil Nadu,
Fort St. George,
Chennai.

2.The State of Tamil Nadu represented by
The Principal Secretary,
Home (Prison) Department,
The Government of Tamil Nadu,
Fort St. George, Chennai.



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3.The Additional Director General of police /

Inspector of Police,
C.M.D.A. Towers II,
Gandhi Irvin Road,
Egmore, Chennai – 8.

4.The Superintendent of Central Prison,
Central Prison, Madurai,
Madurai District.

5.The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to release petitioner's father namely Kandan son of Chinnaya Thevar aged about 68 years (L.C.T.No.4199), in Madurai Central Prison, by premature release as request as per petitioner's representation dated 11.12.2023 and as per the G.O.Ms.No.64 dated 01.02.2018 and 302 dated 03.05.2018 within the stipulated time frame fixed by this Court.

For Petitioner : Mr.S.Sivaprakash

For Respondents : Mr.S.Ravi,

Additional Public Prosecutor



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ORDER

[Order of the Court was made by J.NISHA BANU, J.]

This Writ Petition has been filed praying for a Writ of Mandamus to direct the respondents to release petitioner's father namely Kandan son of Chinnaya Thevar aged about 68 years (L.C.T.No.4199), in Madurai Central Prison, by premature release based on petitioner's representation dated 11.12.2023 and as per the G.O.(Ms).No.64 dated 01.02.2018 and G.O.(Ms).No.302 dated 03.05.2018.

2.The short facts of the case on hand is that the writ petitioner's father Thiru.Kandan, is a prison inmate who is serving life sentence in Central Prison, Madurai. In this regard, the petitioner has sent a representation on 11.12.2023, seeking premature release. The said premature release plea vide 11.12.2023 representation is predicated on G.O.(Ms)No.64, Home (Prison-IV) Department, dated 01.02.2018 and G.O.(Ms)No.302 Home (Prison-IV) Department, dated 03.05.2018. Since the said representation is pending for a considerable time, the petitioner has preferred the present Writ Petition.



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3.We have heard Mr.S.Sivaprakash, learned counsel on record for petitioner and Mr.S.Ravi, learned Additional Public Prosecutor who accepted notice for all the respondents.

4.Owing to the narrow scope of the Writ Petition, with the consent of both sides, main Writ Petition was taken up for disposal.

5.Learned State Additional Public Prosecutor submitted that said representation pertains to premature release which turns on the Advisory Board scheme and the same is being processed. Learned Additional Public Prosecutor seeks twelve [12] weeks time frame to dispose of the said representation submitted by the petitioner.

6.In the light of the above, this Writ Petition is disposed of with a direction to the first respondent to consider the representation dated 11.12.2023 as expeditiously as possible but in any event within twelve [12] weeks from the date of receipt of a copy of this order. The decision taken by the first respondent shall be communicated to the Writ Petitioner under due acknowledgement within seven working days from the date of disposal of said representation.



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7. Accordingly, this Writ Petition is disposed of in the aforesaid manner. There shall be no order as to costs.

[J.N.B.,J.] & [K.K.R.K.,J.]

04.01.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

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- 2.The Principal Secretary,
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- 3.The Additional Director General of police /
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- 4.The Superintendent of Central Prison,
Central Prison, Madurai,
Madurai District.
- 5.The Inspector of Police,
Mandalamanickam Police Station,
Ramanathapuram District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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J.NISHA BANU, J.
and
K.K.RAMAKRISHNAN, J.

MR

ORDER MADE IN
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