



W.P(MD)No.30913 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.01.2024

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

and

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.30913 of 2023

and

W.M.P(MD)No.26526 of 2023

Bagavathi

: Petitioner

Vs.

1.The State of Tamil Nadu, Rep. by

The Principal Secretary to Government,
Home Prohibition & Excise Department,
Fort St. George, Secretariat,
Chennai – 9.

2.The Director General of Police/Director General of Prisons and

Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Egmore,
Chennai – 8.

3.The Deputy Inspector General of Police,

Office of the Deputy Inspector of Police,
C.M.D.A. Towers II,



W.P(MD)No.30913 of 2023

No.1, Gandhi Irvin Road,
Elumbur, Chennai – 8.

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

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the fourth respondent to send proposal relating to the premature release of the petitioner's husband to the second respondent in the commemoration of the 115th birthday of Dr.Perarignar Anna on the basis of the communication in No. 33746/PS1/2023 dated 11.08.2023 issued by the second respondent and G.O.Ms.No.430, Home (Pri IV) Department, dated 11.08.2023 in accordance with law, consequently to direct the respondent No.1 to consider the premature release of the petitioner's husband by name Samuvel, Son of Siruvan aged 47 years who is confining at Madurai Central Prison by considering the representation of the petitioner, dated 13.12.2023 in accordance with law within a stipulated time.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Ravi,

Additional Public Prosecutor



W.P(MD)No.30913 of 2023

ORDER

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

This Writ Petition has been filed praying for a Writ of Mandamus to to direct the fourth respondent to send a proposal relating to the premature release of the petitioner's husband to the second respondent in the commemoration of the 115th birthday of Dr.Perarignar Anna on the basis of the communication in No.33746/PS1/2023 dated 11.08.2023 issued by the second respondent and G.O.Ms.No.430, Home (Pri IV) Department, dated 11.08.2023 in accordance with law, consequently to direct the respondent No.1 to consider the premature release of the petitioner's husband by name Samuvel, Son of Siruvan aged 47 years who is confining at Madurai Central Prison by considering the representation of the petitioner, dated 13.12.2023 in accordance with law within a stipulated time.

2. The learned counsel for the petitioner would submit that earlier this Court vide order, dated 23.08.2023 in W.P(MD)No.20399 of 2023, granted four weeks time to consider the petitioner's representation dated 26.07.2023. He would further submit that the co-accused had already been released prematurely as per G.O.Ms.No.430, Home (Pri IV) Department, dated 11.08.2023.



W.P(MD)No.30913 of 2023

WEB COPY

3. The learned Additional Public Prosecutor, on instructions, would submit that the case of the petitioner's husband has already been recommended for premature release and orders will be passed within a period of four weeks.

4. In view of the said submission, without expressing any opinion on the merits of the claim made by the petitioner, we direct the first respondent to consider the case of the petitioner's husband by name Samuvel, Son of Siruvan aged 47 years, who is confining at Madurai Central Prison, by considering the representation of the petitioner, dated 13.12.2023, as as per G.O.Ms.No.430, Home (Pri IV) Department, dated 11.08.2023, and pass orders within a period of four weeks from the date of receipt of a copy of this order.

5. With the above direction, the writ petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

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

05.01.2024

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

PM



W.P(MD)No.30913 of 2023

To

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- 2.The Director General of Police/Director General of Prisons and
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C.M.D.A. Towers II,
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- 3.The Deputy Inspector General of Police,
Office of the Deputy Inspector of Police,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Elumbur, Chennai – 8.
- 4.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P(MD)No.30913 of 2023

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and

K.K.RAMAKRISHNAN, J.

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ORDER MADE IN

W.P.(MD)No.30913 of 2023

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