



W.P.(MD).No.31248 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 19.06.2024

CORAM

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.P.(MD).No.31248 of 2023

A.Saroja

.. Petitioner

Vs.

1.The Principal Secretary to Government,
Home, Prohibition and Excise (Prison-IV),
Fort St.George,
Chennai – 600 009.

2.The Director General of Prisons,
O/o.Prison Department Headquarters,
Whannels Road,
Egmore,
Chennai – 600 008.

3.The Deputy Inspector General of Prisons,
Trichy Range,
Race Course Road,
Trichy – 620 023.

4.The Superintendent of Prisons,
Central Prison,
Trichy – 620 020.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to
issue a writ of Mandamus, directing the respondents to consider the



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petitioner's representation dated 12.12.2023 and prematurely release her husband Ayyappan, S/o.Ramamoorthy (Convict Prisoner No. 98910) lodged at Central Prison, Tiruchirappalli under G.O.(Ms)No.488 Home (Prison - IV) dated 15.11.2021.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The present Writ Petition is filed for Mandamus seeking direction to the respondents to consider the petitioner's representation dated 12.12.2023 and prematurely release her husband, Ayyappan, S/o.Ramamoorthy (Convict Prisoner No. 98910) lodged at Central Prison, Tiruchirappalli under G.O. (Ms)No.488 Home (Prison - IV) Department dated 15.11.2021.

2. The case of the petitioner is that her husband is a life convict and he has undergone 14 years of imprisonment. Since he is satisfying the requirements for premature release contained in G.O.(Ms)No.488 Home (Prison-IV) Department dated 15.11.2021, his case was recommended to the Government and thereafter, no orders were passed. In this regard, the



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petitioner has also sent a representation to the respondents on 12.12.2023.

Since no action was taken, the petitioner has filed the present Writ Petition.

3. The respondents have filed a detailed counter. The relevant paragraph of the counter reads as follows:

“8. It is submitted that as per the guidelines issued in G.O.(Ms) No.488, Home (Prison-IV) Department, dated 15.11.2021 as amended in G.O.(Ms)No.508, Home (Prison-IV) Department, dated 18.11.2021, proposal for consideration of the case of the petitioner's husband was already sent to Government by the second respondent and after due examination of the above proposal, the case of the life convict prisoner 98910, Ayyappan, was considered favourably and the connected file was sent to approval of the Hon'ble Governor through the Hon'ble Minister (Law) and Hon'ble Chief Minister, but the Hon'ble Governor has returned the file with the observation that "Remission would be premature and prejudicial to justice". The said file is under examination of the Government for re-circulating the same to Hon'ble Governor for his approval reiterating the earlier proposal for premature release of the petitioner's husband / life convict prisoner 98910, Ayyappan. It is submitted that as per para 2(H) of the G.O.(Ms)No.488, Home (Prison-IV) Department, dated 15.11.2021, granting of premature release of the prisoner is a



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onetime affair in commemoration of the 113th Birth Day of former Chief Minister of Tamil Nadu, Dr.Peraringnar Anna and it is applicable to those who are eligible as on 15.09.2021 and it shall not be extended later on to the persons who fulfill all the conditions stipulated in the Government Orders on a later date.”

4. The learned Additional Public Prosecutor appearing for the respondents would submit that as per the guidelines issued in G.O.(Ms)No. 488, Home (Prison-IV) Department, dated 15.11.2021 as amended in G.O. (Ms)No.508, Home (Prison-IV) Department, dated 18.11.2021, a proposal for consideration of the case of the petitioner has already been sent to the Government by the second respondent and the same was returned. He would further submit that the file is under consideration of the Government for re-circulation and that re-circulation process would be completed and thereafter, it would be placed before the Hon'ble Governor within a period of eight (8) weeks.

5. Recording the above submission, this Writ Petition stands closed with a direction to the respondents to complete the process of re-circulation



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and place the file before His Excellency the Governor within a period of eight (8) weeks from the date of receipt of a copy of this order. There shall be no order as to costs.

(A.D.J.C.,J.) (K.R.S.,J.)
19.06.2024

NCC : Yes / No
Index : Yes / No
Lm

To

- 1.The Principal Secretary to Government,
Home, Prohibition and Excise (Prison-IV),
Fort St.George, Chennai – 600 009.
- 2.The Director General of Prisons,
O/o.Prison Department Headquarters,
Whannels Road,
Egmore,
Chennai – 600 008.
- 3.The Deputy Inspector General of Prisons,
Trichy Range,
Race Course Road,
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- 4.The Superintendent of Prisons,
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- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
K.RAJASEKAR,J.

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