



W.P.No.797 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.797 of 2025
and W.M.P.No.981 of 2025

Settu @ Kamaraj

...Petitioner/ the detenue

Vs.

The State represented by its,

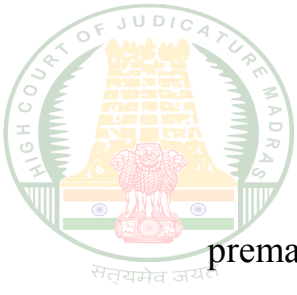
1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Director General of Police,
Director General of Prisons and Correctional Service,
Whannels Road,
Egmore, Chennai-600 008.

3.The Superintendent of Prison,
Central Prison-1,
Puzhal, Chennai-600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to release the petitioner namely Settu @ Kamaraj, son of Adhikesavan, aged 49 years, Life Convict, Ct.No.1354, now confined at Central Prison-1, Puzhal, Chennai-66, under the scheme of 1994 policy, for



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premature release of life convicts, within a reasonable period.

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For Petitioner : Mr.P.Pugalenth

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

This Writ Petition has been filed to direct the respondents to release the petitioner namely Settu @ Kamaraj, son of Adhikesavan, aged 49 years, Life Convict, Ct.No.1354, now confined at Central Prison-1, Puzhal, Chennai-66, under the scheme of 1994 policy, for premature release of life convicts, within a reasonable period.

2. The petitioner states that he was convicted for the offence under Section 302 IPC and sentenced to undergo imprisonment of life and for the offence Sections 449, 364 and 376(2)(f) IPC and he was sentenced to undergo 10 years of rigorous imprisonment, for each of the offences, by the learned Additional Sessions Judge, (FTC-IV), Poonamallee, Chennai

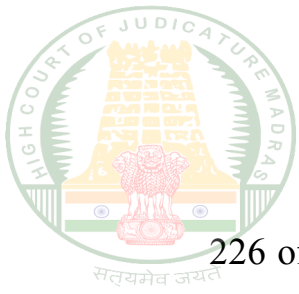


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in S.C.No.99 of 2005. It is further stated that the petitioner has undergone more than 21 years of actual imprisonment. Since the first respondent, in exercise of its power under Article 161 of the Constitution of India, vide its Letter (FS) No.1358, Home, dated 10.11.1994, had released the life convicts who had completed 20 years of actual imprisonment on humanitarian grounds, the petitioner herein made a representation dated 04.12.2024 before the respondents seeking for premature release. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article



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226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In view of the above observation, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 04.12.2024 before the respondents seeking for premature release, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

6. With the above direction, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

[M.S.R., J] [N.S., J]

20.02.2025

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No
Anu



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To

- 1.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.
- 2.The Director General of Police,
Director General of Prisons and Correctional Service,
Whannels Road,
Egmore, Chennai-600 008.
- 3.The Superintendent of Prison,
Central Prison-1,
Puzhal, Chennai-600 066.
- 4.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

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