



W.P.No.1198 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.02.2025

CORAM :

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

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E.Suresh

...Petitioner/ the detainee

Vs.

1. The State Of Tamil Nadu
Rep. By 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, directing the respondents to consider the representation of the petitioner dated 18.11.2024 to release the petitioner namely E.Suresh, S/o.Escalin, aged 47 years, Life Convict Prisoner, Ct.No.5361, now confined in the Central Prison-1, Puzhal, Chennai 600 066 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.

The petitioner herein, who is the life convict, has come forward with this Writ Petition seeking for premature release.

2. The petitioner states that he was convicted in S.C.No.65 of 2011 for the offence under Section 302 IPC and was sentenced to undergo life imprisonment. The petitioner further states that the petitioner has undergone more than 17 years of imprisonment, including the remission period. Therefore, she made a representation dated 18.11.2024 before the respondents. 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



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Additional Public Prosecutor appearing for the respondents.

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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 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 18.11.2024, 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.



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No costs.

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

21.02.2025

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

Anu

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
Madras High Court



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and
N.SENTHILKUMAR, J.

Anu

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