



W.P.No.2232 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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J.Sumathi

...Petitioner/ wife of the detenue

Vs.

1. The State Rep By Its,
The Home Secretary(prison),
St.George Fort, Chennai -600 009.

2.The Director General Of Prison,
Gandhi Irwin Road,
CMDA Building,
Egmore, Chennai -600 008.

3.The Superintendent Of Prison
Central Prison At Tiruchirapalli,
Tiruchirapalli District.

...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 prematurely release petitioner's husband, Mr. Jagan @ Gagadeesan, S/o. sunderraj under rule 341 of Tamil Nadu Prison Rules, 1983 in pursuance of petitioner's representation dated 13.12.2024.

For Petitioner

: Mr. R.Thamarai Selvan



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For Respondents

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

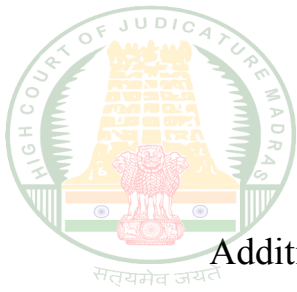
ORDER

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

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

2. The petitioner states that her husband was convicted in S.C.No.87 of 2003 for the offence under Sections 302, 364, 365, 347, 387 and 201 IPC and was sentenced to undergo life imprisonment. The petitioner further states that the petitioner's husband has undergone more than 19 years of imprisonment and he is eligible for premature release as per the G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021. Therefore, she made a representation dated 13.12.2024 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 13.12.2024, 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 Home Secretary(prison),
St.George Fort, Chennai -600 009.

2.The Director General Of Prison,
Gandhi Irwin Road,
Cmnda Building, Egmore, Chennai -600 008.

3.The Superintendent Of Prison
Central Prison At Tiruchirapalli, Tiruchirapalli District.
4.The Public Prosecutor,
High Court, Madras.

4.The Public Prosecutor
Madras High Court



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