



W.P.No.8267 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.8267 of 2025

Kamalaveni

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home (Prison-IV) Department,
Secretariat, Fort St.George, Chennai – 600 009.

2.The Director General of Police/
Director General of Prison and Correctional Service,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Madurai Central Prison,
Madurai – 625 016.

4.The Inspector of Police,
Perumanallur Police Station,
Coimbatore District.
(Crime No.583 of 2005)

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



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praying for the issuance of Writ of Mandamus, directing the 1st respondent to release the petitioner's husband namely Manikandan, S/o.Muniappa Thevar (C.P.No.4969) detained at Central Prison, Madurai, based on the report made by the Advisory Board as per Rule – 341 of the Tamil Nadu Prison Rule, 1983.

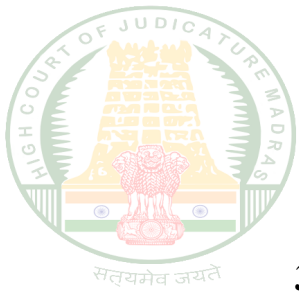
For Petitioner : Mr.C.Mayilvahana Rajendran
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by *M.S.RAMESH, J.*)

The petitioner herein who is the wife of the convict prisoner, has given a representation dated 07.02.2025 to the respondents herein, requesting to release her husband/convict prisoner prematurely. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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



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3. It is needless to point out that whenever a representation of this nature is made to an Authority, there is a duty cast upon them 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 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.

4. 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 07.02.2025, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of eight (8) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.



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N. SENTHILKUMAR, J.

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5. With the above direction, this Writ Petition stands disposed of. No costs.

[M.S.R, J.]

[N.S, J.]

10.03.2025

Index: Yes/No

Speaking order/Non-speaking order

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To

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

2.The Director General of Police/
Director General of Prison and Correctional Service,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Madurai Central Prison, Madurai – 625 016.

4.The Inspector of Police,
Perumanallur Police Station, Coimbatore District.

5.The Public Prosecutor,
High Court, Madras.

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