



WEB COPY



W.P.No.10893 & W.M.P.No.12288 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.10893 of 2025
and W.M.P.No.12288 of 2025

Dhanalakshmi

... Petitioner

Vs.

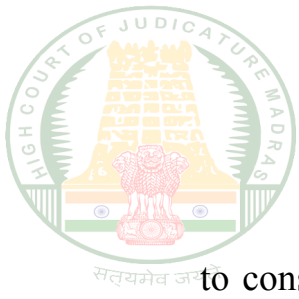
1.The State of Tamil Nadu,
Rep. by the Secretary to Government,
Home, Prohibition, and Excise Department,
Secretariat,
Chennai – 600 009.

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

3.The Superintendent of Prison,
Central Prison,
Salem.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the respondents



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to consider the representation dated 09.09.2024 and 04.03.2025 made by the petitioner for premature release of the petitioner's husband namely Raja, S/o.Shankar, aged about 42 years, Convict No.8834, convict prisoner, Central Prison, Salem, within a reasonable period.

For Petitioner : Mrs.S.Nadhiya
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 had given a representation dated 09.09.2024, seeking for premature release of her husband. Since the same was not considered, she has filed a Writ Petition in W.P.No.31955 of 2024, wherein this Court through its order dated 03.12.2024, directed the respondents to consider the petitioner's representation within a period of four weeks. However, when her representation was not considered, she has given another representation on 04.03.2025, seeking premature release of her husband. Since the aforesaid representations have not been considered till date, the present Writ Petition has been filed.



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

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 representations 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 09.09.2024 and 04.03.2025, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period



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of eight (8) weeks from the date of receipt of a copy of this order and
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communicate the same to the petitioner.

5. With the above direction, this Writ Petition stands disposed of.

No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

26.03.2025

Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No

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To

- 1.The Secretary to Government,
Home, Prohibition, and Excise Department,
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- 3.The Superintendent of Prisons,
Central Prison,
Salem.
- 4.The Public Prosecutor,
High Court, Madras.



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

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