



WEB COPY



W.P.No.10676 & W.M.P.No.12035 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.10676 of 2025
and W.M.P.No.12035 of 2025

Kalaiyarasan

... Petitioner

Vs.

1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.

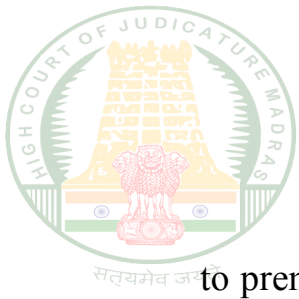
2.The Director General of Police,
Prison and Correctional Services,
Egmore, Chennai – 600008.

3.The Deputy Inspector General of Prison,
Coimbatore Zone, Coimbatore.

4.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 1st respondent



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to prematurely release the petitioner's father Sivaraman, S/o.Pandurangan, Convict No.9001, PID No.40547, who is currently lodged in Central Prison, Salem under G.O.(Ms)No.488 and G.O.(Ms)No.430.

For Petitioner : Mr.P.M.Basil

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 has given several representations to the respondents herein, including his last representation dated 27.02.2025, seeking immediate consideration of premature release of his father on the ground that he has been acquitted in his pending cases and is now eligible under the applicable Government Orders. Since the said representations have 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 27.02.2025, 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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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 Home Secretary,
Home Department (Prison),
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Chennai – 600 009.
 - 2.The Director General of Police,
Prison and Correctional Services,
Egmore, Chennai – 600008.
 - 3.The Deputy Inspector General of Prison,
Coimbatore Zone,
Coimbatore.
 - 4.The Superintendent of Prison,
Central Prison,
Salem.
 - 5.The Public Prosecutor,
High Court, Madras.



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

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