



WEB COPY



W.P.No.11719 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.04.2025

CORAM :

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

W.P.No.11719 of 2025
and W.M.P.No.13263 of 2025

Antony

... Petitioners

Vs.

The State represented by its
1.The Secretary to Government of Tamilnadu
Home (Prison-IV) Department
Fort St. George
Chennai 600 009

2.The Superintendent
Palayamkottai Central Prison
Palayamkottai 627 007

... 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 dated 28.01.2025 and consequently release the detenu, Joseph, S/o.Pattamkattiyan, aged about 75 years, bearing LCT No.5995, now confined at Central Prison, Palayamkottai, prematurely as per the G.O. in G.O.Ms.No.488, dated 15.11.2021.



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For Petitioner : Dr.S.Manoharan
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's father, who is the life convict prisoner viz. Joseph, S/o. Pattamkattayan, aged about 75 years, bearing LCT No.5995, was convicted for the offence U/s.341, 302 r/w 149 and 147 IPC, in S.C.No.209 of 1996, vide order dated 22.03.2002 by the learned II Additional Sessions Judge, Thirunelveli and sentenced to undergo life imprisonment.

2. The petitioner states that according to G.O.Ms.No.488, Home (Prison-IV) Department, dated 15.11.2021, the State Government had decided to consider the case of life convict prisoners who have completed 10 years of actual imprisonment as on 15.09.2021, for releasing them prematurely under Article 161 of the Constitution of India, the petitioner's father has completed more than 11 years of his actual imprisonment.



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Hence, a representation was sent to the respondents on 28.01.2025, 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 Additional Public Prosecutor appearing for the respondents.

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



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petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 28.01.2025, seeking for premature release to his father, the convict prisoner, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of three (3) months from the date of receipt of a copy of this order and communicate the same to the petitioner.

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

No costs. Consequently, the connected miscellaneous petition is closed.

[M.S.R, J.] [N.S, J.]
02.04.2025

kas

Index: Yes / No
Neutral Citation

To.

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3.The Public Prosecutor
High Court of Madras
Chennai 600 104

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



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