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W.P.No.13162 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.13162 of 2025

M.Amutha

... Petitioner

Vs.

1.State of Tamilnadu
Rep. by the Secretary
Home (Prohibition and Excise Department)
Secretariat
Chennai-600 009

2.The Deputy Inspector of Prison
O.o. The Deputy Inspector General of Prison
and Correctional Services
Madurai Range, Madurai Central Prison Campus
New Jail Road, Madurai

3.The Superintendent of Prison
O/o. The Superintendent of Prison
Central Prison
Madurai



W.P.No.13162 of 2025

WEB COPY

4.The Superintendent of Police
O/o. The Superintendent of Police
Sivagangai District

5.The Inspector of Police
SRMC Police Station
Chennai
(Crime No.440 of 2004)

... 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 herein to pre release the petitioner's brother M.A.Kannan (Convict No.6357, PI D No.24624), Son of late Athinamilagi, aged about 40 years, detained at Central Prison, Madurai, on the basis of the petitioner's representations dated 18.02.2025 and 25.03.2025 and dispose of within the time frame that may be fixed by this Court.

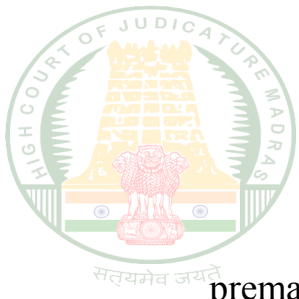
For Petitioner : Mr.G.Pavendhan

For Respondent : 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 sister of the life convict, has come forward with this Writ Petition to consider her brother's case for



W.P.No.13162 of 2025

WEB COPY

premature release, who was sentenced for life imprisonment and confined at the Central Prison, Puzhal - I, Chennai for nearly 14 years and thereafter he was transferred from Central Prison, Puzhal - I, Chennai to Central Prison, Madurai.

2. The petitioner states that she is the sister of the life convict, her brother is convicted with a life sentence by the learned Principal District Judge, Thiruvallur, in S.C.No.49 of 2006 on 22.11.2007 as he was found guilty of the offence U/s.498(A), 302 IPC and sentenced him to undergo life imprisonment. This Court had confirmed the same vide Crl.A.No.1083 of 2007 and the SLP No.23738 of 2009 before the Hon'ble Supreme Court was also dismissed on 06.01.2010. Since the Tamil Nadu Government has passed G.O.Ms.No.12 of 2025 dated 10.01.2025 for premature release and the petitioner's brother has also completed 16 years of his actual imprisonment, a representation was sent to the respondents on 18.02.2025 through RPAD. The said representation was not considered till date, hence, the petitioner has come forward with this Writ Petition.



W.P.No.13162 of 2025

WEB COPY

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 petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 18.02.2025, seeking for grant of premature release to her brother, the convict prisoner, if not already disposed of and pass appropriate orders



W.P.No.13162 of 2025

WEB COPY

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.

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

21.04.2025

kas

Index: Yes/No
Neutral Citation

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Secretariat
Chennai-600 009

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WEB COPY



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High Court of Madras
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W.P.No.13162 of 2025

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