



W.P.No.17671 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.06.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE V. LAKSHMINARAYANAN

W.P.No.17671 of 2025
and W.M.P.No.19955 of 2025

ALAMELU

...Petitioner/ mother of the detenue

Vs.

1. The State Rep. By Its
The Secretary To Government Of Tamilnadu,
Home (prison-iv) Department, Fort St. George,
Chennai-600 009.

2.The Superintendent Of Prisons,
Central Prison-1, Puzhal,
Chennai-600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to consider the representation dated 28.02.2025 and consequently release the detenue, Hari @ Harikrishnan S/o.Sreenivasan, aged about 42 years, bearing convict No.895 now confined at Central Prison Puzhal Chennai prematurely as per the G.Os. in G.O (MS) No.488, dated 15.11.2021



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For Petitioner : Mr.S. Manoharan

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

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ORDER

M.S.RAMESH, J.
and
V. LAKSHMINARAYANAN, J.

This Writ Petition has been filed to direct the respondents to consider the representation dated 28.02.2025 and consequently release the detenue, Hari @ Harikrishnan S/o.Sreenivasan, aged about 42 years, bearing convict No.895 now confined at Central Prison Puzhal Chennai prematurely as per the G.Os. in G.O (MS) No.488, dated 15.11.2021.

2. The petitioner states that her son was convicted for the offence under Sections 148 and 302 IPC and sentenced to undergo rigorous imprisonment for 3 years and imprisonment for life and to pay a fine of Rs.10,000/-, in default to undergo rigorous imprisonment for 2 years by the learned Additional District and Sessions Judge, Fast Track Court-II, Chennai in S.C.No.138 of 2007 dated 06.07.2007. It is further stated that life convict prisoners shall be considered for premature release if they



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have completed 10 years of imprisonment as on 15.09.2021, as per G.O.(Ms).No.488, Home (Prison-IV) Department, dated 15.11.2021.

Since the petitioner's son has served more than 10 years of imprisonment, she made a representation dated 28.02.2025 before the respondents seeking for premature release of the convict prisoner. 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.



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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 28.02.2025 before the respondents seeking for premature release of the convict prisoner, 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.

6. With the above direction, this Writ Petition stands disposed of.
No costs. Consequently, connected miscellaneous petition is closed.

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

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Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

Anu



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To

1.The Secretary To Government Of Tamilnadu,
Home (prison-iv) Department, Fort St. George,
Chennai-600 009.

2.The Superintendent Of Prisons,
Central Prison-1, Puzhal,
Chennai-600 066.

3.The Public Prosecutor,
High Court, Madras.



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