



W.P.Crl.No.40 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.06.2025

CORAM :

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

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S.Saravanan

... 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 600 008

3.The Deputy Inspector General of Prison
Vellore
Vellore District

4.The Superintendent of Prisons
Vellore Central Prison, Thorapadi
Vellore 632 002

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the 1st



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respondent to prematurely release the petitioner's father Sampath, S/o.Kannan (PID No.36604, LCT No.148), who is presently undergoing sentence at the Central Prison, Vellore, under G.O.(Ms).No.488 and G.O.Ms.No.430.

For Petitioner : Mr.P.M.Basil

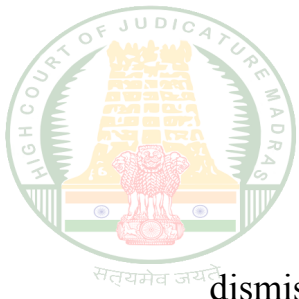
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The petitioner, who is the son of the life convict viz. Sampath, PID No.36604, has come forward with this Writ Petition seeking for premature release pursuant to his representation dated 03.10.2024.

2. The petitioner states that his father has been convicted in S.C.No.157 of 2008, by the Additional District and Sessions Court, Ranipet, for the offence U/s.498A, 342, 376 r/w 511, 506(i), 376 IPC and Section 4 of TN Women Harassment Act. Aggrieved against the said conviction, his father filed Crl.A.No.330 of 2010 and the same was



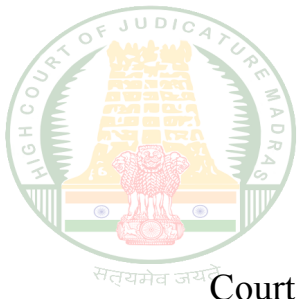
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dismissed and this Court also confirmed the order of the trial Court vide its order dated 17.10.2010. As the petitioner's father has spent more than 16 years of his imprisonment in prison, relying upon the Government Order passed by the first respondent in G.O.Ms.No.488, Home (Pri-IV) Department, dated 15.11.2021 and G.O.(Ms) No.430, the petitioner had given a representation on 03.10.2024 to the respondents, seeking for premature release. 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



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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 03.10.2024, seeking to release his father / convict prisoner, prematurely, 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.

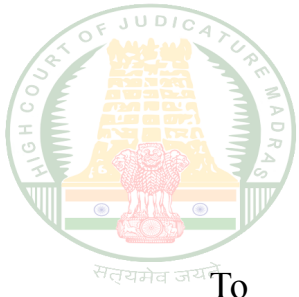
6. With the above direction, this Writ Petition stands disposed of.

[M.S.R, J.]

[V.L.N, J.]

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- 5.The Public Prosecutor,
High Court of Madras
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