



W.P.No.23592 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.03.2025

CORAM:

THE HONOURABLE MR. JUSTICE **M.S. RAMESH**
AND
THE HONOURABLE MR. JUSTICE **N.SENTHILKUMAR**

Writ Petition No.23592 of 2024

P.Shanthi

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Prison IV) Department,
Fort St.George, Chennai - 600 009.
2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
II Floor, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
3. The Commissioner of Police,
O/o. The Commissioner of Police,
Vepery, Chennai - 600 007.
4. The Probation Officer,
Tamilnadu Prison Department,
Whannels Road, Egmore,
Chennai - 600 008.
5. The Superintendent of Prisons,
Central Prison-I (Convict),
Puzhal, Chennai - 600 066.

... Respondents



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PRAYER: The Writ Petition is filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, to direct the respondents to grant Premature release to her brother/detenu namely, S.Saravanan, Son of Subramani, is a Convict Prisoner in Central Prison-I, Puzhal, Chennai - 600 066 on the basis of her representation dated 03.07.2024.

For Petitioner : Mr.R.Arun Kumar

For Respondents : Mr.R.Muniyaparaj
Additional Public Prosecutor
Assisted by Mr.M.Sylvester John

ORDER

*(Order of the Court was made by **M.S.RAMESH, J.**)*

The present Writ Petition has been filed for the issuance of a Writ of Mandamus, to direct the respondents to grant Premature release to her brother/detenu namely, S.Saravanan, Son of Subramani, is a Convict Prisoner in Central Prison-I, Puzhal, Chennai - 600 066 on the basis of her representation dated 03.07.2024.

2. The petitioner states that her brother namely, S.Saravanan was charged for the offence under Section 302 of I.P.C and convicted for the

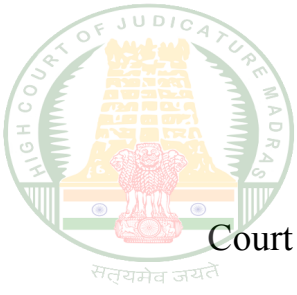


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offence under Section 304 (Part-I) of I.P.C and sentenced to undergo 10 years Rigorous Imprisonment by the learned VII Additional Sessions Judge, Chennai, in S.C.No.306 of 2013 dated 05.03.2018. It is further stated that due to long incarceration, the brother of the petitioner was mentally affected and admitted in Government Mental Hospital, Kilpauk, Chennai, for his treatment and he is also a physically challenged person. Therefore, the petitioner herein made a representation dated 03.07.2024 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



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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 03.07.2024 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 four (4) 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.) (N.S, J.)
18.03.2025

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and
N. SENTHILKUMAR, J.

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