



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29-07-2025

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THE HONOURABLE MR JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR.JUSTICE V. LAKSHMINARAYANAN

WP CrI. No. 427 of 2025

1. S.Kavitha

Petitioner

Vs

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department,
Secretariat, Chennai-600 009.

2.The Director General of Police and
Director General of Prisons and Correctional Service,
Gandhi Irwin Road,
Egmore, Chennai-600 008

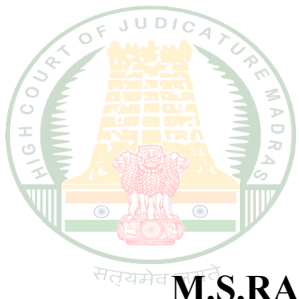
3.The Superintendent of Prisons
Central Prison, Coimbatore

Respondent(s)

Prayer : This writ petition has been filed under article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to consider the petitioner's representation dated 24.12.2024 in accordance with law, within a reasonable period.

For Appellant(s): Mr. P.Pugalenth

For Respondent: Mr. E. Raj Thilak,
Addl. Public Prosecutor

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

This writ of mandamus has been filed to consider the petitioner's representation dated 24.12.2024.

2. The petitioner states that her husband was convicted for the offence under Section 302 of IPC and sentenced to undergo life imprisonment and for the offence under Section 326 IPC, he was sentenced to undergo six months R.I. by the learned Principal District and Sessions Judge, Namakal in S.C.No.92 of 2007, dated 29.04.2008 . The petitioner further states that her husband has been in incarceration for more than 18 years.

3. Now, the petitioner has come to know that her husband's case was placed before the Cabinet and the Tamil Nadu Government has recommended his premature release. The same was forwarded to the Hon'ble Governor of Tamilnadu. Hence, the petitioner made a representation dated 24.12.2024 to the respondents to produce a copy of the recommendation of her husband's



premature release. Since the same has not been considered till date, she has come forward with this writ petition.

4. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

5. 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 24.12.2024 to produce the copy of the recommendation of the Tamil Nadu Government 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 (Criminal) stands disposed of. No costs.

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

29-07-2025

mrp

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No



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