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W.P.No.37323 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.08.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND

THE HONOURABLE MR. JUSTICE V.LAKSHMINARAYANAN

W.P.No.37323 of 2024
and W.M.P.No.40343 of 2024

A.Dhanalakshmi

... Petitioner

Vs.

1.The State represented by
The Secretary to Government
Department of Home (Prison)
Fort St. George
Chennai 600 009

2.The Additional Director General of Prison/
Inspector General of Police
Department of Prison
Thalamuthu Building
CMDA Tower-2
Egmore, Chennai 600 008

3.The Deputy Inspector General of Prison
Department of Prisons and Reformatory Work
Vellore Range, Vellore District



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4. The Superintendent of Prison

Central Prison

Cuddalore

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to release the detenu viz. Azhagar @ Valarndha Azhagar, son of Dharmaraj, aged about 48 years, Convict No.16749, now confined at Central Prison, Cuddalore, prematurely as per the G.O.(Ms)No.64 dated 01.02.2018, G.O.(Ms).No.488 dated 15.11.2021, G.O.(Ms) No.430 dated 11.08.2023 and also under Rules 632, 633, 634 or 635 of the Tamil Nadu Prison Rules 1983.

For Petitioner : Mr.Ilayaraja Kandasamy

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

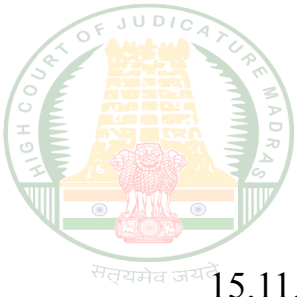
ORDER

M.S.RAMESH, J.

AND

V.LAKSHMINARAYANAN, J.

This Writ Petition has been filed for issuance of Writ of Mandamus, directing the respondents to release the detenu viz. Azhagar @ Valarndha Azhagar, son of Dharmaraj, aged about 48 years, Convict No.16749, now confined at Central Prison, Cuddalore, prematurely as per the G.O.(Ms)No.64 dated 01.02.2018, G.O.(Ms).No.488 dated



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15.11.2021, G.O.(Ms) No.430 dated 11.08.2023 and also under Rules 632, 633, 634 or 635 of the Tamil Nadu Prison Rules 1983, by considering the representation of the petitioner dated 28.10.2024

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

3. 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.

4. In view of the above observation, this Court, without going into



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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 concerned respondent to consider the representation of the petitioner dated 28.10.2024, 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 three (3) months from the date of receipt of a copy of this order and communicate the same to the petitioner.

5. 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.]

20.08.2025

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Index: Yes/No

Neutral Citation

Speaking / Non speaking

To

1.The Secretary to Government

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High Court of Madras
Chennai 600 104

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



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