



W.P.No.1084 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2025

CORAM :

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

W.P.No.1084 of 2025
and W.M.P.No.1322 of 2025

Jagathishwari

...Petitioner/ wife of the detenue

Vs.

The State represented by its,
1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort St. George,
Chennai-600 009.

2.The Superintendent,
Puzhal Central Prison,
Puzhal-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 as per the provisions of Tamil Nadu prison Rules, 1983, the Rules 341(2) and as per the G.O.(Ms).No.430, Para-V subdivision IV dated 11.08.2023 and to release the life convict prisoner dated 15.09.2023, the detenue, Mani, S/o.Annappan, aged 63 years, Convict No.531, prematurely detained at Central Prison, Puzhal.



W.P.No.1084 of 2025

WEB COPY

For Petitioner : Mr.M.Ezhilarasu

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

This Writ Petition has been filed to direct the respondents to release the life convict prisoner, the detenue, Mani, S/o.Annappan, aged 63 years, Convict No.531, prematurely detained at Central Prison, Puzhal, as per the provisions of Tamil Nadu prison Rules, 1983, the Rules 341(2) and as per the G.O.(Ms).No.430, Para-V subdivision IV dated 11.08.2023.

2. The petitioner states that her husband was convicted for the offence under Section 302 r/w Section 34 IPC and sentenced to undergo imprisonment of life by the learned VII Additional Sessions Judge, Chennai in S.C.No.270 of 1994 dated 07.02.1995. It is further stated that the petitioner is aged 52 years, has certain medical ailments and was



W.P.No.1084 of 2025

advised by the doctor to undergo uterus surgery. Therefore, she made a representation dated 19.07.2024 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 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.



W.P.No.1084 of 2025

WEB COPY

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 19.07.2024 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]

20.02.2025

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

Anu



W.P.No.1084 of 2025

WEB COPY

To

1.The Secretary to Government of Tamilnadu,
Department of Home,
Fort St. George,
Chennai-600 009.

2.The Superintendent,
Puzhal Central Prison,
Puzhal-600 066.

3.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.1084 of 2025

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

Anu

W.P.No.1084 of 2025
and W.M.P.No.1322 of 2025

20.02.2025