



**W.P(MD) Nos.12783 & 21596 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**WEB COPY**

**Date : 02.01.2025**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN  
AND  
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(MD) Nos.12783 & 21596 of 2024**

**W.P.(MD)No.12783 of 2024  
Muniasamy**

**... Petitioner**

**Vs**

- 1.State through,  
The Principal Secretary,  
Government of Tamil Nadu,  
Home (Prison IV) Department,  
Secretariat,  
Chennai.
- 2.The Additional Director General of Police  
and Inspector General of Prisons,  
Gandhi Irwin Road,  
Egmore,  
Chennai.
- 3.The District Collector,  
Ramanathapuram.
- 4.The Chairman of Advisory Board / District Collector,  
Madurai.
- 5.The Superintendent of Police,



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Ramanathapuram District.

6.The Superintendent of Prison,  
Central Prison,  
Madurai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records in respect of impugned order passed by the first respondent in G.O.(D)No.219, dated 28.02.2024 and quash the same and consequently, direct the respondents to reconsider the petitioner's request for premature release in a fair, just and reasonable manner within a time frame stipulated by this Court.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.T.Senthil Kumar,  
Additional Public Prosecutor.

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Jaisankar

... Petitioner

Vs

1.State of Tamil Nadu rep. by  
The Principal Secretary,  
Government of Tamil Nadu,  
Home (Prison IV) Department,  
Secretariat,  
Chennai.



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2.The Additional Director General of Police  
and Inspector General of Prison,  
No.1, Gandhi Irwin Salai,  
Egmore,  
Chennai-600 008.

3.The Deputy Superintendent of Prison,  
Madurai Central Prison,  
Madurai.

4.The Superintendent of Prison,  
Central Prison,  
Madurai.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the entire records connected with the impugned order passed by the first respondent in G.O.(D)No.807 Home (Prison-IV) Department dated 27.06.2024 and quash the same as illegal and direct the first respondent to release the petitioner's father namely Duraipandi S/o.Sakkaraimuniyandi Thevar, C.P.No.4195 from the fourth respondent prison.

For Petitioner : M/s.S.Prabha

For Respondents : Mr.T.Senthil Kumar,  
Additional Public Prosecutor.



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**COMMON ORDER**

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(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The petitioners sought premature release under G.O.Ms.No.64, Home (Prison IV) Department, dated 01.02.2018. Their request was rejected. Questioning the same, the present writ petitions have been filed.

3. The learned counsel for the petitioners reiterated all the contentions set out in the respective writ petitions.

4. The respondents filed a detailed counter affidavit. The learned Additional Public Prosecutor took us through its contents. It is seen that the petitioners were convicted for the offence of murder on four counts. It appears that there was a communal clash between two communities. As rightly pointed out by the learned Additional Public Prosecutor, premature release cannot be demanded as a matter of right. However, it is stated that since the petitioners have completed more than 20 years in prison, they are eligible to be considered for premature release under Letter (MS)No.1358 dated 10.11.1994.



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5. We direct the Government to consider the case of the petitioners for premature release under Letter (MS)No.1358 dated 10.11.1994. It is also stated that the case of the petitioners is already in process. We direct the first respondent to consider the case of the petitioners under the aforesaid GO and pass final order within a period of twelve weeks from the date of receipt of a copy of this order.

6. These Writ Petitions are disposed of accordingly. No costs.

**(G.R.S., J.)                      (R.P., J.)**  
**02.01.2025**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
rmi

To

1. The Principal Secretary,  
Government of Tamil Nadu,  
Home (Prison IV) Department,  
Secretariat,  
Chennai.



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- 2.The Additional Director General of Police  
and Inspector General of Prisons,  
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Chennai.
- 3.The District Collector,  
Ramanathapuram.
- 4.The Chairman of Advisory Board / District Collector,  
Madurai.
- 5.The Superintendent of Police,  
Ramanathapuram District.
- 6.The Superintendent of Prison,  
Central Prison,  
Madurai.
- 7.The Deputy Superintendent of Prison,  
Madurai Central Prison,  
Madurai.
- 8.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**G.R.SWAMINATHAN, J.**  
**AND**  
**R.POORNIMA, J.**

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