

Ramar vs the State Represented by Its

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Court : Chennai

Decided On : Mar-28-2025

Judge : Honourable Mr Justice M.S. Ramesh, Honourable Mr. Justice N. Senthilkumar

Appeal No. : WP/5116/2025

Appellant : RAMAR

Respondent : The State Represented by Its

Judgement :

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH AND THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR and W.M.P.No.5678 of 2025 Ramar ... Petitioner Vs. The State Rep. by its, Egmore, Chennai-600 008. ... 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 consider the representation dated

26.11.2024 and consequently release the detenu namely Murugan, S/o.Ganapathy, aged about 42 years, bearing Convict No.2207, now confined at Central Prison Puzhal, prematurely as per the G.Os. in G.O(Ms).No.64 dated 01.02.2018 and G.O.(Ms).No.488 dated

15.11.2021, G.O.(Ms)No.430 dated 11.08.2023. For Petitioner : Ms.K.Akshaya For Respondents : Mr.R.Muniyapparaj, Additional Public Prosecutor assisted by Mr.M.Sylvester John

ORDER

(Order of the Court was made by M.S.RAMESH, J.) The petitioner herein has given a representation dated 26.11.2024 to the respondents herein, seeking premature release of his brother. Since the said representation has not been considered till date, the present Writ Petition has been filed.

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 an Authority, there is a duty cast upon them 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 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 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 26.11.2024, 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. Connected miscellaneous petition is closed. [M.S.R, J.] [N.S, J.] Index: Yes/No

Speaking order/Non-speaking order

Internet: Yes/No Sni

M.S.RAMESH, J.

and

N. SENTHILKUMAR, J.

Sni To Egmore, Chennai-600 008. 3.The Public Prosecutor, High Court, Madras.

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