

W.P.Nos.31478 of 2024, 107, 127, 267,
777, 2208, 13778 & 19566 of 2025

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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.Nos.31478 of 2024 & 107, 127, 267, 777,
2208, 13778 & 19566 of 2025 and
C.M.P.Nos.21110 & 21111 of 2025

Eswaran,
Life Convict Prisoner,
Central Prison at Vellore, Thorapadi,
Vellore – 632 002.

.. Petitioner
(in W.P.No.31478 of 2024)

Dr.Esther

.. Petitioner
(in W.P.No.107 of 2025)

Arjunan

.. Petitioner
(in W.P.No.127 of 2025)

Devaki

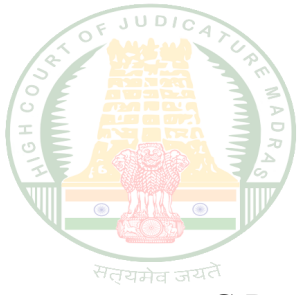
.. Petitioner
(in W.P.No.267 of 2025)

Selvam

.. Petitioner
(in W.P.No.777 of 2025)

Pachayammal

.. Petitioner
(in W.P.No.2208 of 2025)



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G.Ramya

.. Petitioner
(in W.P.No.13778 of 2025)

A.Narkis Banu

.. Petitioner
(in W.P.No.19566 of 2025)

Vs.

1.The State represented by its,
Home Secretary (Prison-IV),
Home Department, Secretariat,
Fort St. George,
Chennai – 600 009.

2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore,
Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Vellore,
Thorapadi,
Vellore – 632 002.

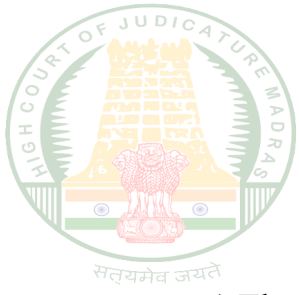
.. Respondents
(in W.P.No.31478 of 2024)

The State represented by its,

1.The Additional Chief Secretary to Government,
Department of Home (Prison IV),
Fort St. George,
Chennai – 600 009.

2.The Superintendent of Prisons,
Central Prison-1, Puzhal,
Chennai – 600 066.

..Respondents
(in W.P.No.107 of 2025)



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

2.The Director General of Police &
Director General of Prisons and Correctional Service,
Whannels Road, Egmore, Chennai – 600 008.

3.The Superintendent of Prisons,
Central Prison-1, Puzhal,
Chennai – 600 066.

..Respondents
(in W.P.No.127 of 2025)

The State of Tamilnadu, Rep. By,

1.The Additional Chief Secretary to Government,
Home (Prison-IV) Department,
TN Govt. Chief Secretariat,
St. George Fort, Chennai – 600 009.

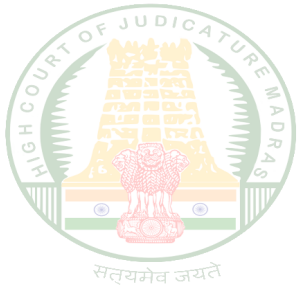
2.The Director General of Prisons and Correctional Services,
TN Prison Head Quarters,
Whannels Road, Egmore,
Chennai – 600 008.

3.The Deputy Inspector General of Prisons (Chennai Range),
TN Prison Head Quarters,
Whannels Road, Egmore, Chennai – 600 008.

4.The Superintendent,
Central Prison-I,
Puzhal, Chennai – 600 066.

..Respondents
(in W.P.No.267 of 2025)

1.The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.



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2.The Director General of Police &
Director General of Prisons and Correctional Service,
Whannels Road, Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison-1, Puzhal,
Chennai – 600 066.

..Respondents
(in W.P.No.777 of 2025)

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

2.The Director General of Police &
Director General of Prisons and Correctional Service,
Whannels Road, Egmore,
Chennai – 600 008.

3.The Superintendent of Prisons,
Central Prison, Vellore-2.

..Respondents
(in W.P.No.2208 of 2025)

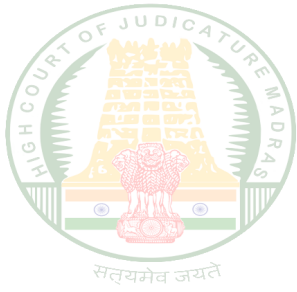
1.The State of Tamil Nadu,
rep. by the Additional Chief Secretary to Government,
Home (Prison-IV A) Department,
Secretariat, Chennai – 600 009.

2.The Director General of Prisons and Correctional Service,
Whannels Road, Egmore, Chennai – 600 008.

3.The Superintendent of Prisons,
Central Prison, Vellore – 632 002.

..Respondents
(in W.P.No.13778 of 2025)

1.The State rep by its,
The Additional Chief Secretary to Government,
Home Department, Secretariat, Chennai – 600 009.



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2.The Director General of Prison,
Gandhi Irwin Road, Egmore,
Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Salem,
Hasthampatty.

..Respondents
(in W.P.No.19566 of 2025)

(W.P.No.31478 of 2024):

For Petitioner : Mr.M.Mohamed Saifulla
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

(W.P.No.107 of 2025):

For Petitioner : Dr.S.Manoharan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

(W.P.No.127 of 2025):

For Petitioner : Ms.S.Nadhiya
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

(W.P.No.267 of 2025):

For Petitioner : Mr.R.Sankarasubbu
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor



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(W.P.No.777 of 2025):

For Petitioner : Mr.P.Pugalenth
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

(W.P.No.2208 of 2025):

For Petitioner : Mr.P.Pugalenth
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

(W.P.No.13778 of 2025):

For Petitioner : Mr.P.Pugalenth
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

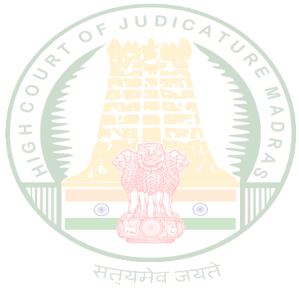
(W.P.No.19566 of 2025):

For Petitioner : Mr.M.Mohamed Saifulla
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

COMMON ORDER

(Order of the Court was made by *V.LAKSHMINARAYANAN, J.*)

All these cases relate to premature release. When we took up the cases for hearing, one of the pleas raised by the petitioners was that the



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petitioners' case for premature release had been considered by the State Government. Their release was recommended at the highest levels of the State. Thereafter, the papers were sent to His Excellency The Governor, who rejected the same. The petitioners relied upon the judgment of the Supreme Court in *A.G.Perarivalan Vs. State through Superintendent of Police, (2023) 8 SCC 257*, and pleaded that His Excellency The Governor is bound by the advise of the Council of Ministers and therefore, their case should be considered afresh.

2.Per contra, the learned Additional Public Prosecutor relied upon the judgment of a Coordinate Bench of Madurai Bench of this Court in *Murugan @ Thirumalai Murugan Vs. State of Tamil Nadu in W.P.(MD).No.13468 of 2024 dated 06.11.2024*, to urge that another Division Bench has taken a view that His Excellency The Governor can exercise his discretion and reject a proposal for premature release, when the Council of Ministers have not considered the relevant factors. The Division Bench in *Murugan's* case has relied upon a Constitutional Bench of the Supreme Court in *M.P Special Police Establishment Vs. State of M.P, (2004) 8 SCC 788*.



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3. There seems to be an apparent conflict between the views taken by the two Division Benches. As a Bench of equal strength, we are not in a position to ignore the judgment passed by another Division Bench. Hence, we feel it is necessary that this issue should be resolved by a Larger Bench of this Court.

4. Accordingly, we direct the Registry to place these matters before My Lord, Hon'ble The Chief Justice to constitute a Larger Bench to decide the following issues, if he so desires:

(i) Whether His Excellency The Governor is bound by the advise given by the Council of Ministers in matters relating to remission and premature release;

(ii) If he is so bound, under what circumstances does the Governor have the discretion to take a view different from that taken by the Council of Ministers.



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5.Registry shall abide by the direction given in the preceding paragraph.

(M.S.R., J)

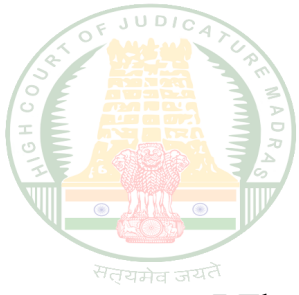
(V.L.N., J)

20.08.2025

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To

- 1.The State represented by its,
Home Secretary (Prison-IV),
Home Department, Secretariat,
Fort St. George, Chennai – 600 009.
- 2.The Director General of Prisons,
Gandhi Irwin Road, CMDA Building,
2nd Tower, Egmore, Chennai – 600 008.
- 3.The Superintendent of Prison,
Central Prison at Vellore,
Thorapadi, Vellore – 632 002.
- 4.The State represented by its,
The Additional Chief Secretary to Government,
Department of Home (Prison IV),
Fort St. George, Chennai – 600 009.
- 5.The Superintendent of Prisons,
Central Prison-1, Puzhal, Chennai – 600 066.
- 6.The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai – 600 009.



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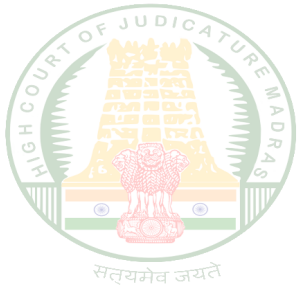
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Central Prison-1, Puzhal, Chennai – 600 066.
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The Additional Chief Secretary to Government,
Home (Prison-IV) Department,
TN Govt. Chief Secretariat,
St. George Fort, Chennai – 600 009.
10. The Director General of Prisons and Correctional Services,
TN Prison Head Quarters,
Whannels Road, Egmore, Chennai – 600 008.
11. The Deputy Inspector General of Prisons (Chennai Range),
TN Prison Head Quarters,
Whannels Road, Egmore, Chennai – 600 008.
12. The Superintendent,
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Puzhal, Chennai – 600 066.
13. The Principal Secretary to Government,
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Secretariat, Chennai – 600 009.
14. The Director General of Police &
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Central Prison-1, Puzhal,
Chennai – 600 066.



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- 16.The Additional Chief Secretary to Government,
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Secretariat, Chennai – 600 009.
- 17.The Director General of Police &
Director General of Prisons and Correctional Service,
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Chennai – 600 008.
- 18.The Superintendent of Prisons,
Central Prison, Vellore-2.
- 19.The State of Tamil Nadu,
rep. by the Additional Chief Secretary to Government,
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Secretariat, Chennai – 600 009.
- 20.The Director General of Prisons and Correctional Service,
Whannels Road, Egmore,
Chennai – 600 008.
- 21.The Superintendent of Prisons,
Central Prison, Vellore – 632 002.
- 22.The State rep by its,
The Additional Chief Secretary to Government,
Home Department, Secretariat, Chennai – 600 009.
- 23.The Director General of Prison,
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Hasthampatty.



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M.S.RAMESH, J.

and

V.LAKSHMINARAYANAN, J.

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20.08.2025