



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.04.2017

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THE HON'BLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.18936 of 2016

S.Alamelu Mangayarkarasi

.. Petitioner

-vs-

1.The Superintendent of Police,
Central Prison, Madurai,
Arasaradi, Madurai-10.

2.The Commissioner of Police, Madurai City.

3.The Inspector of Police,
Keerathurai Police Station,
Madurai City.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the 1st respondent to consider petitioner's representation dated 19.09.2016 and to direct him to grant an emergency leave of 7 days to the petitioner's elder brother namely Manikandan @ Nagendra Bhoopathi aged 39 years undergoing life sentence in Central Prison, Madurai.

For Petitioner : Mr.J.William Christopher

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

It is seen that Mr.Manikandan @ Nagendra Bhoopathi is a life convict (CT.No.3793) undergoing life sentence in the Central Prison, Madurai. His sister gave an application, dated 19.09.2016 seeking emergency leave under the Tamil Nadu Suspension of Sentence Rules, 1982 for her brother on the ground that their mother is very sick. The representation was considered by the authorities and the same was rejected on 20.09.2016 on the ground that she had not submitted the proof that their mother was seriously ill. However, in the said order, it is stated that as and when fresh application is submitted with necessary proof, the same will be considered in accordance with law. Without challenging this order, the petitioner has filed the present writ petition. The petitioner prays for a mandamus to the authorities to grant parole to her brother for 7 days.



2. In the considered opinion of this Court, a mandamus cannot be issued especially when the authorities have not completely foreclosed the request of the petitioner. That apart, this petition has almost become infructuous on account of efflux of time.

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3. In the result, this writ petition is closed with liberty to the petitioner to approach the authorities, as and when necessity arises, with adequate proof. No costs.

Sd/-

Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar

To:

1. The Superintendent of Police,
Central Prison, Madurai,
Arasaradi, Madurai-10.
2. The Commissioner of Police,
Madurai City.
3. The Inspector of Police,
Keerathurai Police Station,
Madurai City.

+1 cc to Special Government Pleader, SR.No. 53132

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