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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.04.2019

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THE HONOURABLE MR. JUSTICE B. PUGALENDHI

W.P. (MD) No. 22006 of 2015

and

M.P. (MD) No. 1 of 2015

K.Vexila Pandiyan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Rep. by its Secretary,
Prison Department,
Fort St. George,
Chennai - 09.

2. The Director / Additional Director General of Police,
No.1, Gandhi - Irvin Road,
Egmore, Chennai - 08.

3. The Superintendent of Central Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Certiorarified Mandamus to call for the impugned order passed by the third respondent in No.10879/f;F2/2015 dated 18.11.2015 and to quash the same as illegal and further direct the respondent to grant 60 days leave to the petitioner's husband V.Kumar alias Kumaravel Pandiyan LCT No.7305 S/o. Vellaichamy, who is undergoing sentence as the life convict in Central Prison, Palayamkottai, to make arrangement to the marriage of his daughter Nithila with Mr.M.S.Anil S/o.Murugan residing at Murugan Kovil Street, Melapattam, Tirunelveli District, fixed on 03.02.2016 in pursuance of Rule 19 of Tamil Nadu Suspension of Sentence Rules, 1982.

For Petitioner

: Mr.K.R.Laxman

For Respondents

: Mr.R.Anandharaj

Additional Public Prosecutor

ORDER

This writ petition has been filed by the petitioner to quash the impugned order passed by the third respondent dated 18.11.2015, vide which, the third respondent declined to grant ordinary leave to the petitioner's husband. The petitioner has also sought a direction to the respondent to grant 60 days leave to her husband to make arrangement for the marriage of their daughter.



2. When the matter came up for hearing on 21.01.2016, this Court, after hearing the learned Counsel on either side, has passed the following order:

"7. ...Hence, considering the totality of the circumstances and also taking note of the Rules, extracted supra, this Court directs the third respondent / Superintendent of Central Prison, Palayamkottai to release the prisoner, namely, V.Kumar @ Kumaravel Pandiyan, S/o.Vellaichamy on parole from Central Prison, Palayamkottai at 06.00 pm on 29.01.2016 after following the usual procedure and other safeguarding measures in accordance with the prison manual and he shall be taken back to the Central Prison, Palayamkottai before 06.00 pm on 04.02.2016. The Superintendent of Central Prison, Palayamkottai shall provide escort to the prisoner from the Central Prison, Palayamkottai, from the time he leaves the Central Prison, Palayamkottai and till such time, he is taken back to the Central Prison, Palayamkottai, on the said date and time as stated above.

List this matter on 08.02.2016 for reporting, on the prisoner being taken back to the Central Prison on the said date and time stipulated above."

3. Today, the learned Additional Public Prosecutor, on instructions, submitted that the order of this Court dated 21.01.2016 has been complied with and further submitted that the petitioner's husband has been set at liberty by virtue of G.O.(Ms) No.1492, Home (Prison - IV) Department, dated 14.09.2018.

4. Under the above circumstances, recording the submission made by the learned Additional Public Prosecutor, this writ petition is closed, as no further order is required to be passed. No costs. Consequently, connected miscellaneous petition is closed.

sd/
Assistant Registrar

/True Copy/

Sub Assistant Registrar(CS)

To

1. The Secretary to Government,
Government of Tamil Nadu,
Prison Department,
Fort St. George,
Chennai - 09.

2. The Director / Additional Director General of Police,
No.1, Gandhi - Irvin Road,
Egmore, Chennai - 08.



3. The Superintendent of Central Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

W.P. (MD) No.22006 of 2015
12.04.2019

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