

IN THE HIGH COURT OF JUDICIATURE AT MADRAS

DATED : 20.05.2021

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P. No.7273 of 2021

Nadhira Banu
D/o.Abdul Razak

... Petitioner

versus

- 1.The Government of Tamil Nadu,
Rep.by its Secretary to Government,
Home (Prison IV) Department,
Fort St.George, Chennai-9.
 - 2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai-8.
 - 3.The Superintendent of Central Prison,
Puzhal-I, Chennai
- ... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to grant leave without escort for 30 days to the petitioner's brother namely Ibrahim @ Koolai Ibrahim, S/o.Abdul Razak, aged about 42 years, Life Convict No.4661, detained at Central Prison, Puzhal-I, Chennai.

For petitioner : Mr.A.P.Sathyamurthy
For Respondents : Mr.R.Muniyapparaj,
Government Advocate [Crl. Side]

ORDER

(Order of this Court was delivered by ANITA SUMANTH,J.)

This writ petition is filed seeking a mandamus directing the grant of leave without escort for 30 days to the petitioner's brother namely Ibrahim @ Koolai Ibrahim, S/o.Abdul Razak, aged about 42 years, Life Convict No.4661, detained at Central Prison, Puzhal-I, Chennai.

2. Though this matter had come up for hearing on 19.03.2021 and 29.04.2021, it is only today that Mr.Muniyapparaj, learned Government Advocate states that the representation of the petitioner has been rejected by an order passed as early as on 26.02.2021. The delay in bringing this to the knowledge of the Court is unfortunate as, had this fact been conveyed earlier, the petitioner could well have availed remedial measures as against the impugned order in a timely fashion.

3. A copy of the said order has been supplied to the learned counsel for the petitioner today and with this, the mandamus as sought for stands achieved with the writ petition rendered infructuous. We close the same as such with no order as to costs. However, the petitioner is at liberty to either file a fresh representation to the High Powered Committee or challenge the impugned order as she may desire. Such representation, if and when filed, shall be considered and disposed expeditiously, in any event within a period of one week from the date of receipt of the same.

4. In disposing the same, let the authorities bear in mind the reason for the detenu presently seeking leave, which is to assist the petitioner in obtaining treatment for the medical condition of her new-born baby.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

rpl/vrc

To

- 1.The Secretary to Government,
Government of Tamil Nadu,
Home (Prison IV) Department,
Fort St.George, Chennai-9.
- 2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai-8.
- 3.The Superintendent of Central Prison,
Puzhal-I, Chennai

W.P. No.7273 of 2021

PP(CO)

RMP(09/06/2021)