

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.05.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

and

The HONOURABLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

Writ Petition No.11985 of 2021

Silmiya Fathima Petitioner

Vs

1. The State rep. By its
The Home Secretary (Prison),
St. George Fort, Secretariat,
Chennai - 600 009.

2. The Deputy Inspector General of Prison - Chennai range,
No.2, Whannels Road, CMDA Building,
Egmore, Chennai - 600 008.

3. The Superintendent of Prison,
Central Prison at Puzhal - I,
Puzhal, Thiruvallur - 066.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the
Constitution of India praying to Writ of Mandamus directing the
1st respondent to grant one month leave without escort to the
petitioner's husband namely Sulaiman Hussain @ Niyas Khan
S/o.Abdul Miyan, now confined in Central Prison at Puzhal - I.

For Petitioner : Mr.M.Mohamed Saifulla

For Respondents : Mr.R.Muniyapparaj,

Government Advocate (Cr1. Side)

O R D E R

(Order of the Court was made by Dr.ANITA SUMANTH,J.)

The petitioner prays for a mandamus directing the 1st
respondent to grant one month leave without escort to her
husband namely Sulaiman Hussain @ Niyas Khan S/o.Abdul Miyan,
now confined in Central Prison at Puzhal - I.

2. Though the representation is addressed to the Home Secretary (Prison), a copy has been marked to the Superintendent of Prison, arrayed as R3, as well. Thus, R3 has come to reject the representation by order dated 18.05.2021. A copy of the order is placed on file.

3. In the light of the fact that the representation has already come to be considered and closed, nothing further survives in this Writ Petition and we hence close the same as infructuous. No costs.

4. However, the petitioner is at liberty to either file a fresh representation addressed to R1 or before the High Powered Committee or one before R3 for grant of emergency leave, or to challenge the order of rejection dated 18.05.2021, as she may desire, in accordance with law. Such representation as aforesaid, if and when filed, will be disposed as expeditiously as possible, in any event, within a period of one week from the date of receipt of such representation.

Sd/-

Assistant Registrar(V.O)

//True Copy//

Sub Assistant Registrar

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To

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The Home Secretary (Prison),
St. George Fort, Secretariat,
Chennai - 600 009.

2. The Deputy Inspector General of Prison - Chennai range,
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KK(CO)
RMP(10/06/2021)