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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and
The Honourable Mrs. Justice R. HEMALATHA

W.P.No.24358 of 2021

G. Lawrence

.. Petitioner

Vs.

- The State of Tamilnadu rep. by
1. The Additional Director General of Police/
I.G. of Prisons
Whannels Road, Egmore
Chennai 600 008.
 2. The State of Tamilnadu rep. by
The Superintendent of Central Prison
Vellore District.
 3. The Superintendent of Police,
District Police Office,
Vellore.
 4. The Superintendent of Police,
District Police Office,
Mayiladuthurai District.
 5. The Inspector of Police
Mayiladuthurai Police Station
Mayiladuthurai District
(Crime No.1252 of 1988)

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus to consider the poverty and helpless situation of the petitioner's husband Mr. D. Gabriel, Son of Devasahayam, a life convict No.3830, who is detained in the Vellore Central Prison by serving the life sentence and to direct the respondents to exempt the charges of the police escort from Vellore Central Prison to Rajan Dental Clinic Mylapore, Chennai, for treatment of the life prisoner.



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For Petitioner : Mr.K.M. Subrahmaniam

For Respondents : Mr.R.Muniyapparaj,
Addl. Public Prosecutor

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

In this Writ Petition, the petitioner is seeking several directions as set out in the prayer above.

2. For the treatment of her husband, D. Gabriel, who is a convict prisoner (life convict No.3830) lodged in the Central Prison, Vellore, the petitioner has given a representation to the Hon'ble Chief Minister of Tamilnadu and thereafter, filed this present Writ Petition.

3. In our considered opinion, Mandamus cannot be issued as prayed for by the petitioner since the Hon'ble Chief Minister himself is a constitutional authority. It is open to the petitioner or her husband to approach the prison authorities under the Tamilnadu Suspension of Sentence Rules and apply for ordinary leave for the convict prisoner D.Gabriel. On such application being given, the same shall be considered in accordance with rules expeditiously.

With the above directions, this Writ Petition is disposed of.

Sd/-

Assistant Registrar(CS-II)

// True Copy //

Sub Assistant Registrar

bga

To

1. The Additional Director General of Police/
I.G. of Prisons
Whannels Road, Egmore
Chennai 600 008.
2. The State of Tamilnadu rep. by
The Superintendent of Central Prison
Vellore District.



3. The Superintendent of Police,
District Police Office,
Vellore.

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4. The Superintendent of Police,
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Mayiladuthurai District.

5. The Inspector of Police
Mayiladuthurai Police Station
Mayiladuthurai District
(Crime No.1252 of 1988)

6. The Public Prosecutor,
High Court, Madras.

W.P.No.24358 of 2021

KSM(CO)
CB(29/11/2021)