



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :05.08.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN  
and  
THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.7604 of 2021

P.Sivaraman

... Petitioner

-vs-

1. The State of Tamilnadu,  
Represented by its Additional Chief Secretary,  
Home (Prison) Department,  
Secretariat, St. George Fort,  
Chennai - 600 009.
2. The Director General of Prisons and Correctional Services,  
Tamilnadu Prisons and Correctional Services Department,  
No.6, Whannels Road, Egmore,  
Chennai - 600 008.
3. The Deputy Inspector General of Prisons,  
Office of the DIG of Prisons Madurai Range,  
Madurai - 625 016.
4. The Superintendent of Prison,  
Central Prison, Palayamkottai,  
Tirunelveli - 627 002.

... Respondents

**PRAYER :** Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to grant a) extension of emergency leave immediately to the petitioner for a period of two months under Rule 34 of the Tamil Nadu Suspension of Sentence Rules, 1982 and by invoking power to exempt conferred to the respondents under Rule 40 of the Tamil Nadu Suspension of Sentence Rules, 1982, to take care of the petitioner's diseased wife, who is in dying condition in an unconscious state at ICU of CMC Hospital, Vellore, b) sanction premature release to the petitioner as per the judgment order of the Hon'ble Madras High Court in HCP.No.1345 of 2018, dated 02.08.2018 in the light of G.O.



(MS)No.64 Home (Prison-IV) Department, dated 01.02.2018, in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Ravi

Standing counsel for the State

WEB COPY

**O R D E R**

**(Order of the Court was made by V. BHARATHIDASAN, J.)**

The writ petition has been filed by the petitioner seeking a direction to the respondents to extend the emergency leave, for a period of two months under Rule 34 of the Tamil Nadu Suspension of Sentence Rules, 1982.

2. When the matter is taken up for hearing today, the learned counsel for the petitioner seeks permission of this Court to withdraw the writ petition with liberty to approach the authorities seeking leave.

3. In view of the said submission, the petitioner is permitted to withdraw the writ petition and accordingly, the Writ Petition is dismissed as withdrawn, with a liberty to the petitioner to approach the fourth respondent and file an application seeking for emergency leave stating the reasons and if any such application is filed, the fourth respondent is directed to consider the same and pass suitable orders, within a period of one week from the date of receipt of such application. No Costs.

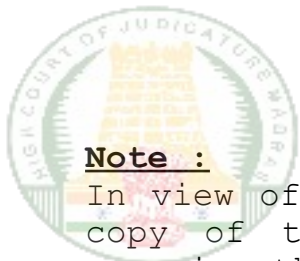
Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)



**Note :**

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

**To**

1. The State of Tamilnadu,  
Represented by its Additional Chief Secretary,  
Home (Prison) Department,  
Secretariat, St. George Fort,  
Chennai - 600 009.
2. The Director General of Prisons and Correctional Services,  
Tamilnadu Prisons and Correctional Services Department,  
No.6, Whannels Road, Egmore,  
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3. The Deputy Inspector General of Prisons,  
Office of the DIG of Prisons Madurai Range,      Madurai - 625 016.
4. The Superintendent of Prison,  
Central Prison, Palayamkottai,      Tirunelveli - 627 002.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,      Madurai.

**ORDER MADE IN**  
**W.P. (MD) No.7604 of 2021**  
**05.08.2021**

GC (13/08/2021) 3P 6C