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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :06.09.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN

and

THE HONOURABLE MRS.JUSTICE J.NISHA BANU,

W.P. (MD) .No.12952 of 2020

Sangeetha

... Petitioner/Wife of the
Detenue

-vs-

1.The State rep. by

The Secretary to Government of Tamilnadu,
Department of Home,
Fort St.George,
Chennai-600 009

2.The Additional Director General of Prison,

C.M.D.A Towers,
Egmore,
Chennai-600 008.

3.The Superintendent,

Central Prison,
Palayamkottai.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the 1st respondent to grant leave for 30 days to the petitioner husband namely Yesudoss S/o.Paul Raj, life convict prisoner, Convict No.4348, detained at Central Prison, Palayamkottai under Rule 40 of The Tamilnadu Suspension of Sentence Rules 1982, on the basis of the petitioner's representation dated 07.09.2020.

For Petitioner : Mr.S.T.Sasidharan Tamilkani
(Legal Aid Counsel)

For Respondents : Mr.S.Ravi
Standing counsel for the State

O R D E R

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

The Writ Petition has been filed by the wife of a life convict prisoner by name Yesudoss S/o.Paul Raj, seeking ordinary leave.

2. Today when the matter is taken up for hearing, Mr.S.Ravi,
<https://hcservices.ecourts.gov.in/hcservices/>



learned Standing Counsel for the State on instructions would submit that already the representation submitted by the petitioner in this regard was rejected by the third respondent vide order dated 23.09.2020 and a copy of the said order is also produced before this Court.

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3. Considering the fact that the petitioner's representation has already been rejected by the third respondent, the prayer sought for in this writ petition cannot be granted at this stage. However, if the petitioner is having any grievance over the order dated 23.09.2020, passed by the third respondent, it is always open to him to challenge the same, in the manner known to law. The third respondent is directed to furnish a copy of the order dated 23.09.2020 to the petitioner.

4. In view of the above, the Writ Petition is dismissed.

5. Since it is a legal aid matter, the Legal Services authority attached to this Bench, shall pay necessary fees to the learned counsel for the petitioner.

Sd/-

Assistant Registrar (CS-III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

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 Secretary to Government of Tamilnadu,
Department of Home,
Fort St.George, Chennai-600 009
- 2.The Additional Director General of Prison,
C.M.D.A Towers,
Egmore, Chennai-600 008.
- 3.The Superintendent
Central Prison, Palayamkottai.



4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

5.Incharge, Legal Services Committee,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.T.SASIDHARAN TAMILKANI, Advocate (SR-28364[F] dated
07/09/2021)

W.P. (MD) No.12952 OF 2020

06.09.2021

RK (14.09.2021) 3P 7C