



WP(MD)No.26529 of 2022

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **01.12.2022**

CORAM

THE HON'BLE MR JUSTICE M.S.RAMESH

AND

THE HON'BLE MR JUSTICE N. ANAND VENKATESH

W.P.(MD)No.26529 of 2022

Subathra

... Petitioner

Vs.

1.The State of Tamil Nadu,

Represented by its Secretary to Government,

The Home Department, (Prison V),

Fort St.George,

Chennai.

2.The Director General of Police /

Director of Prisons and Correctional Services,

C.M.D.A. Towers II,

No.1, Gandhi Irvin Road,

Elumbur,

Chennai -8.



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3.The Deputy Inspector General of Prisons (Head Quarters),

Whannels Road,

Egmore,

Chennai - 600 008.

4.The Superintendent of Prison

Palayamkottai Central Prison,

Tirunelveli.

...Respondents

PRAYER: Petition - filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondent No.4 to grant 28 days ordinary leave to petitioner's younger brother by name, Arun @ Arunkumar son of Patchi, now confining as life convict prisoner at Palayamkottai Central Prison, Tirunelveli on the basis of the G.O.Ms.No.205 Home (Prison-V) Department, dated 25.04.2022 to enable him to attend the 16th day Eemaikariyam of father of the said life convict in accordance with law forthwith.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor



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ORDER

[Order of the Court was made by **N. ANAND VENKATESH, J.**]

This Writ Petition has been filed for the issuance of Writ of Mandamus, directing the respondents to consider the representation made by the petitioner seeking for ordinary leave to the detenu, who is confined at Palayamkotttai Central Prison.

2. Heard Mr.R.Alagumani, learned counsel appearing for the petitioner and Mr.A.Thiruvadikumar, learned Additional Public Prosecutor appearing for the respondents.

3. The ordinary leave was sought for to enable the detenu to attend the 16th day ceremony after the death of his father. The ceremony is already over and hence, the reason that was assigned in the representation seeking for ordinary leave, no longer survives. That apart, it was brought to the notice of this Court that the representation made by the petitioner was



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also rejected by the third respondent, through proceedings No. 3172/cj/1/2022, dated 29.11.2022.

4. In the considered view of this Court, the cause of action for filing the present writ petition no longer survives, since the 16th day ceremony is already over. If the detenu seeks for any ordinary leave in future, it will always be left open to the detenu or his close relatives to make a representation in that regard, before the respondents and the same shall be considered in accordance with the relevant Rules, within a reasonable time.

5. This Writ Petition is disposed of with the above directions.

No costs.

(M.S.R.,J.) (N.A.V.,J.)
01.12.2022

Index : Yes/No
Internet : Yes
rm



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



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M.S.RAMESH, J.

and

N. ANAND VENKATESH, J.

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