



W.P.No.4066 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.4066 of 2023

A.Nadhira Banu
D/o.Abdul Razaq

.. Petitioner

Vs.

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Home (Prison IV) Department
Fort St.George, Chennai-9.
2. The Additional Director General of Prisons
Thalamuthu Natarajan Maaligai
2nd Floor, Gandhi Irwin Road
Egmore, Chennai-8.
3. The Superintendent of Central Prison
Puzhal-I, Chennai.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the 3rd respondent to consider

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the petitioner's representation dated 14.02.2022, pass suitable and appropriate order in accordance with the law, rules and regulations.

For Petitioner : Mr.K.Madhu
For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

This order will now dispose of the captioned Writ Petition.

2. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 13.02.2023.

3. Today, Mr.K.Madhu, learned counsel for petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor for all the respondents are before us.

4. To be noted, as regards representation dated 14.02.2022, it is a representation seeking 60 days leave without escort primarily on the ground that the detenu has heart disease.

5. Pursuant to the earlier proceedings dated 13.02.2023, learned Prosecutor, on instructions submits that the petitioner's representation dated 14.02.2022 has since been disposed of by third respondent in and by 'order



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dated 17.02.2023 bearing reference No.171.402/2023' [hereinafter 'said order' for the sake of convenience and clarity].

6. It is also to be noted that the third respondent has filed a detailed counter affidavit but we do not propose to advert to the same, as we deem it appropriate to preserve all the rights and contentions of the petitioner to assail the said order as the said order does not accede to the request in the representation dated 14.02.2022.

7. In the light of the narrative thus far, captioned Writ Petition is disposed of as closed albeit preserving all the rights and contentions of the petitioner in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(M.N.K.,J.)

20.02.2023

Index : Yes / No

Speaking / Non-speaking

Neutral Citation : Yes / No

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M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

mk

To

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Home (Prison IV) Department
Fort St.George, Chennai-9.
2. The Additional Director General of Prisons
Thalamuthu Natarajan Maaligai
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3. The Superintendent of Central Prison
Puzhal-I, Chennai.
4. The Public Prosecutor
High Court, Madras.

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