



WEB COPY



W.P.No.4801 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.4801 of 2023

Selvi.Archana

D/o.Thambu @ Karthik

.. Petitioner

Vs.

1. State of Tamil Nadu
Rep. by its
Secretary to Government
Home (Prison) Department
Secretariat, Chennai-9.

2. The Additional Director General of Prison
No.-1, Gandhi Irwin Salai
Egmore, Chennai-600 008.

3. The Superintendent of Prison
Central Prison
Cuddalore,
Cuddalore District.

4. The Inspector of Police
Auroville Police Station
Villupuram District.

.. Respondents

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Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus to direct the respondents to grant 30 days emergency leave (parole) to the petitioner's father Thambu @ Karthick (Male/44 years) (Prisoner No.14616) who is confined in Central Prison, Cuddalore based upon the application of the petitioner dated 25.10.2022 and 22.11.2022 to attend and make financial arrangements for the treatment of his mother who is critically suffering from fourth stage cancer.

For Petitioner : Mr.V.Elangovan
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 20.02.2023 which reads as follows:

'Mr.V.Elangovan, learned counsel on record for petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepted notice on behalf of all the respondents are before



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us.

2. *When the matter was taken up for hearing, learned Additional Public Prosecutor has placed before us proceedings dated 17.02.2023 bearing reference No.22291/tha.ku.1/2023 (proceedings of third respondent) wherein 3 days emergency leave has been granted with escort.*

3. *Learned counsel on record for petitioner requests for a short accommodation to get instructions and revert to this Court. Request acceded to.*

4. *List day-after-tomorrow in the Admission Board i.e., Motion List. List on 22.02.2023.'*

3. As regards the three days emergency leave, we are informed by Mr.V.Elangovan, learned counsel for petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor that the convict prisoner was let out only at 17:30 hours yesterday. Therefore, the convict prisoner would now return to the prison / surrender on 24.02.2023 Friday by 17:30 hours.

4. Be that as it may, there is no dispute that besides representation for emergency leave, another representation for 30 days ordinary leave has also been made.



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5. Learned Additional Public Prosecutor submitted that this representation for 30 days ordinary leave is under active consideration of the State and that a decision would be taken on or before 23.02.2023 and communicated to the learned counsel for the petitioner also.

6. Though obvious, it is made clear that all the rights of the petitioner are preserved for assailing the outcome, if the request for 30 days ordinary leave is not acceded to or if it is not acceded to in full.

7. In the light of the narrative thus far, captioned Writ Petition is disposed of as closed. There shall be no order as to costs.

(M.S.,J.) (M.N.K.,J.)
22.02.2023

Index : Yes
Speaking
Neutral Citation : Yes
mk

Order Upload forthwith

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Rep. by its
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M.SUNDAR, J.,
and
M.NIRMAL KUMAR, J.,

mk

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