



WEB COPY



W.P.No.4482 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.4482 of 2023

S.Selvi

W/o.P.Saranraj

..

Petitioner

Vs.

1. The Deputy Inspector General of Police
Prison Department
Gandhi Irwin Road,
Egmore, Chennai-600 008.

2. The Superintendent of Prison
Central Prison, Trichy-620 020.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Mandamus directing the respondents to consider the representations dated 10.11.2022 and 05.12.2022 and further grant 6 days ordinary leave without escort to the convict No.23588 namely, P.Saranraj, S/o.Purushothaman, aged 35 years, presently confined at Central Prison, Trichy.

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For Petitioner : Mr.V.T.Narendiran
representing Mr.G.Paul Einstein
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 15.02.2023 which reads as follows:

'In the captioned writ petition, wife of a convict prisoner P.Saranraj (Convict No.23588), son of Purushothaman, aged 35 years, now detained in Central Prison, Trichy has sought for a mandamus qua representations dated 10.11.2022 and 05.12.2022 seeking 6 days ordinary leave without escort.

2. Mr.V.T.Narendiran, learned counsel representing the counsel on record for petitioner submits that convict prisoner's father is now on constant medication for heart disease and old age related ailments and is now admitted in Stanley Government Hospital, Chennai.

3. Mr.R.Muniyapparaj, learned Additional Public Prosecutor who accepts notice for both respondents, sought for a



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short accommodation to get instructions and revert to this Court.

List on 22.02.2023.'

3. Today, Mr.V.T.Narendiran, learned counsel representing the counsel on record for petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor for both the respondents are before us.

4. Today, learned State Prosecutor has placed before us an 'order dated 10.02.2023 bearing reference மு.மு.எண்.6220/தகு.4/2022' [hereinafter 'said order' for the sake of convenience and clarity]. Learned Prosecutor submits that 6 days ordinary leave without escort sought for by the detenu has been negatived.

5. Learned counsel for petitioner points out that there are howlers in the counter affidavit which go to show that the matter has been dealt with in a casual manner and in a manner which will not pass muster in a Court of law.



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6. Be that as it may, captioned Writ Petition is one for mandamus qua representations dated 10.11.2022 and 05.12.2022 which have since been disposed of vide said order. Therefore we deem it appropriate to dispose of the captioned writ petition, leaving it open to the petitioner to assail the said order, if so advised and if so desired in a manner known to law. We make it clear that all the rights and contentions of both sides including the points in the writ affidavit and counter affidavit in the captioned matter are left open if a challenge is laid to the said order.

7. Ergo, captioned Writ Petition 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.)

22.02.2023

Index : Yes

Speaking

Neutral Citation : Yes

mk

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To

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Prison Department
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2. The Superintendent of Prison
Central Prison, Trichy-620 020.
3. The Public Prosecutor
High Court, Madras.



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