



WEB COPY



W.P.No.21833 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.No.21833 of 2023

Visalakshi

.. Petitioner

Vs.

1. The Additional Director General of Police
and Inspector General of Prison
Tamilnadu Prison Department
Egmore, Chennai – 600 008

2. The Deputy Inspector General of Prison
Chennai Range
Tamilnadu Prison Department
Egmore, Chennai – 600 008

3. The Superintendent of Prison
Central Prison-I, Puzhal, Chennai

4. Deputy Inspector General of Prisons
Vellore Range, Vellore

... Respondents

[Fourth respondent *suo motu* impleaded vide this order]

Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the third respondent to consider

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the representation of the petitioner dated 20.06.2023 and to grant leave for one month to the petitioner's husband namely P.Nagendran, son of Ponnusamy, aged about 54 years (serving as life convict No.1236) enabling to make arrangement for his son's marriage.

For Petitioner : Mr.R.John Sathyan
Senior counsel
for Mr.N.Prateik

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

Captioned writ petition has been filed with a mandamus prayer qua a 'representation dated 20.06.2023' [hereinafter 'said representation' for the sake of brevity] sent by the writ petitioner, wife of Thiru.P.Nagendran, Life Convict with Convict No. 1236, now lodged in Central Prison I, Puzhal, Chennai, having been transferred from Central Prison, Vellore to Central Prison I, Puzhal pursuant to orders of this Court dated 12.06.2023 in W.P.No.14536 of 2023.



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2. Mr.R.John Sathyan, learned Senior counsel instructed by counsel on record for the petitioner is before us on a videoconferencing platform (to be noted, this is a hybrid bearing).

3. Learned Senior counsel submits that one month leave has been sought on the ground that arrangements for marriage of son of convict prisoner and writ petitioner has to be made. This means that this will effectively be a plea under 20(iv) of 'the Tamil Nadu Suspension of Sentence Rules, 1982' [hereinafter 'said Suspension Rules' for the sake of convenience and clarity].

4. Issue notice.

5. Mr.E.Raj Thilak, learned State Additional Government Pleader accepts notice and submits that Deputy Inspector General of Prisons, Vellore Range, Vellore is the Authority who makes the orders and therefore, Deputy Inspector General of Prisons, Vellore Range, Vellore is *suo motu* impleaded as fourth respondent.

6. Learned Prosecutor, on instructions, submits that the fourth respondent will dispose of the said representation as expeditiously as possible and in any event by 26.07.2023.



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7. Let the disposal copy be served on the convict prisoner latest by next day i.e., by 27.07.2023.

8. Considering the scope of the writ petition, we drop the curtains on the captioned writ petition recording the aforementioned scenario that unfurled in the hearing.

Captioned writ petition disposed of as closed albeit making it clear that we have not expressed any view or opinion on the merits of matter and all rights and contentions of petitioner or any one concerned for the convict prisoner are preserved for assailing the orders that are to be made qua said representation if the same is not to the satisfaction of the petitioner or the convict prisoner.

(M.S.,J.)

(R.S.V.,J.)

24.07.2023

Index : Yes /No

Speaking order/Non-speaking order

Neutral Citation : Yes /No

gpa

P.S: Fourth respondent is *suo motu* impleaded vide this order. Registry to do the needful before uploading and issuing the order copy.



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To

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5. The Public Prosecutor
Madras High Court, Chennai



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and
R.SAKTHIVEL, J.,

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