



W.P.No.26791 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.No.26791 of 2023

R.Sagunthala
W/o.Ramar

.. Petitioner

Vs.

State rep. by

1. The Deputy Inspector General of Prison
Coimbatore Range
Coimbatore.

2. The Superintendent of Prison
Central Prison
Salem.

..Respondents

Petition filed under Article 226 of the Constitution of India praying writ of Mandamus to direct the respondents to grant parole to the petitioner's son Mr.Madhesh (CT No.6994), son of Ramar, aged about 52 years, now confined in Central Prison, Salem, to perform the last rites of his sister Santhi at Kalappadi Village, Penagaram Taluk, Dharmapuri District.

For Petitioner	:	Ms.S.Sengkodi
For Respondents	:	Mr.E.Raj Thilak Additional Public Prosecutor

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ORDER

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

When the matter was taken up, it was submitted by learned Prosecutor that leave application has since been rejected vide order dated 11.09.2023 bearing reference No.19874/tha.ku.3/2023 made by second respondent.

2. Faced with the above situation, learned counsel Ms.Sengkodi, sought leave of this Court to withdraw the captioned writ petition but made a plea to preserve all the rights and contentions of the petitioner and / or anyone concerned for the convict prisoner to apply for leave on the teeth of Rule 22(3) of 'the Tamil Nadu Suspension of Sentence Rules 1982' [hereinafter 'said Rules' for the sake of convenience and clarity] notwithstanding the rejection order citing earlier orders made by this Court on grounds other than the one mentioned in the representation dated 07.09.2023. Request acceded to.

3. Learned counsel has made an endorsement in the case file and a scanned reproduction of the same is as follows:



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may be permitted to
withdraw the writ
petition.
S. Senthikodi
33/104
12/9/2023
(S. Senthikodi)
Counsel for Petitioner

4. Captioned Writ Petition is disposed of as withdrawn / closed albeit preserving all rights and contentions of the petitioner to seek leave on the teeth of Rule 22(3) of said Rules notwithstanding aforementioned rejection order on grounds other than the ground on which leave has now been sought.

Captioned writ petition is disposed of as withdrawn / closed albeit with the aforementioned observations and preservation of rights in the aforesaid manner. There shall be no order as to costs.

(M.S.,J.)

(R.S.V.,J.)

12.09.2023

Index : Yes/No
Speaking/Non-speaking
Neutral Citation : Yes/No

mk

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M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

mk

To

1. The Deputy Inspector General of Prison
Coimbatore Range
Coimbatore.
2. The Superintendent of Prison
Central Prison
Salem.
3. The Public Prosecutor
High Court, Madras.

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