



WP(MD)No.1857 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 09.02.2023

CORAM

**THE HON'BLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE K.K.RAMAKRISHNAN**

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Kavitha

.. Petitioner/Wife of the
Detenu

Vs.

The State represented by,

1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai-600 009.

2.The Deputy Inspector General of Prison,
Madurai Range,
Madurai-625 001.

3.The Superintendent,
Palayamkottai Central Prison,
Palayamkottai.

.. Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents to grant ordinary leave for 40 days without escort to the detenue, Chelladurai, son of Rajendran, Life Convict No.2260, confined at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.

This writ petition is filed by the wife of the Life Convict seeking mandamus to direct the respondents to grant ordinary leave for 40 days to her husband without escort.

2. According to the petitioner, on 13.01.2023, she gave a representation to the respondents, but till date, they have not considered her request. It is stated that the petitioner's husband is suffering from HIV and therefore, he needs leave to take medical assistance.



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3. The learned Additional Public Prosecutor submitted that the petitioner herein in fact gave a representation on 14.11.2022 seeking ordinary leave for 40 days to her husband. The Prison Authorities perused the record and antecedents of the detenu and found that the detenu was granted 3 days leave during the month of July, 2019 and he was supposed to return to the prison on 05.07.2019. However, he failed to return to the prison and therefore, a case was registered against him for offence under Section 224 IPC. Later, the detenu was secured by the Prison Intelligence Wing on 29.10.2021 and was admitted to the Prison. Since he has violated the leave condition and 5 year period from the date of return to the prison not completed, the request of the petitioner seeking ordinary leave to her husband was rejected. The order of rejection was also communicated to the petitioner on 25.01.2023.

4. In the light of the above submissions made by the learned Additional Public Prosecutor, this Court finds that the writ petition seeking mandamus is not maintainable in view of the order passed rejecting the request. Accordingly, this writ petition is dismissed. If the petitioner is



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aggrieved by the rejection order, it is always open to her to appeal to the authorities against the rejection order and seek remedy.

[G.J.,J.] & [K.K.R.K.,J.]
09.02.2023

Index: Yes/No
Internet: Yes/No
PJJ

To

1.The Secretary to the Government of Tamil Nadu,
Department of Home,
Fort St.George,
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2.The Deputy Inspector General of Prison,
Madurai Zone,
Madurai-625 001.

3.The Superintendent,
Palayamkottai Central Prison,
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4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**DR.G.JAYACHANDRAN, J.
and
K.K.RAMAKRISHNAN, J.**

PJL

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