

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Monday, the Twenty Seventh day of February Two Thousand and Twenty
Three

PRESENT

The Hon`ble Dr.Justice G.JAYACHANDRAN
AND
The Hon`ble Mr.Justice SUNDER MOHAN

WMP(MD) . No.3731 of 2023
in
WP(MD)2431 of 2023

Velayutham ... Petitioner/Father of the Detenue

Vs

1 The State Represented by Its
The Deputy Inspector General of Prison
Madurai Zone (Central Prison)
Madurai- 625001.

2 The Superintendent
Central Prison,
Palayankottai- 627002.

... Respondents

Prayer in WMP(MD) No.3731 of 2023:-

This Writ Miscellaneous Petition filed under Article 226 of constitution of India, to recall the order dated 07.02.2023 passed in the WP (MD) No.2431/2023 and pass such further or other orders as this Honble Court may deem fit to the circumstances of the case and thus render justice.

Prayer in WP(MD) No.2431 of 2023:-

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant ordinary leave for forty days without escort to the detenue, Sundaralingam @ Karuppusamy S/o. Velayutham aged about 41 years, Convict No.3357 at Central Prison, Palyamkottai.

ORDER:- This Writ Miscellaneous Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.S.Manoharan, Advocate for the Petitioner and of MR.A.Thiruvadi Kumar, Additional Public Prosecutor, for the respondents, this Court made the following order:

On 07.02.2023 when the matter was taken up for consideration, due to inadvertence, the learned Additional Public Prosecutor appearing for the respondents has informed this Court that the son of the petitioner absconded when he was granted 3 days emergency leave. However, on verification of the fact, the learned counsel for the petitioner sought for recalling the said order since the son of the petitioner had never availed any leave in the past 7 years.

2. Notice was given to the learned Additional Public Prosecutor to verify the fact, in turn, he has verified and reported that the submission of the learned counsel for the petitioner is correct. He would further submit that the request of the petitioner to grant ordinary leave to his son is under advance stage of consideration and appropriate orders will be passed on perusing the records shortly.

3. Therefore, the respondents are directed to consider the representation of the petitioner, dated 20.01.2023 received by the authorities on 24.01.2023 and pass appropriate orders in accordance with law within a period of two weeks from the date of receipt of a copy of this order.

4. Accordingly, this petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/03/2023

Sub Assistant Registrar(CS)

TO

1.The Deputy Inspector General of Prison
Madurai Zone (Central Prison)
Madurai- 625001.

2.The Superintendent
Central Prison,
Palayankottai - 627002.

ORDER DATED : 27/02/2023

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ORDER

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WMP(MD) . No.3731 of 2023

in

WP(MD)2431 OF 2023

Giving direction and etc.

as stated within.

MGJ(13.03.2023) 2P 3C