



WP(MD)No.3835 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 24.02.2023

CORAM

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

W.P(MD)No.3835 of 2023

P.Mydeen Beevi

.. Petitioner

Vs.

1.The Deputy Inspector General of Prison,
O/o.the Deputy Inspector General of Prison,
Egmore,
Chennai- 600 008.

2.The Superintendent of Prison,
Central Jail,
Palayamkottai,
Tirunelveli District.

.. Respondents

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 the period of one month to the petitioner's son namely, Sheik Sintha Mathar @ Jaffer @ Sintha, who is convicted in one murder case and



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languishing in Palayamkottai Central Jail for the period of 24 years by considering the petitioner's representation dated 15.02.2023.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

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

The mother of the detenu, Sheik Sintha Mathar @ Jaffer @ Sintha is before this Court seeking issuance of mandamus to the prison authority at Palayamkottai to consider the ordinary leave application given on behalf of the Life Convict.

2.When the matter is taken up for consideration, the learned Additional Public Prosecutor submitted that the convict availed 30 days ordinary leave between 19.05.2022 and 19.06.2022 as per G.O.Ms.No. 205(Prison-V) Department, dated 25.04.2022. The Life Convict is entitled for ordinary leave, but there must be atleast one year gap between each



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ordinary leave availed whereas the Convict in this case has not completed one year period. Further, he applied for ordinary leave quoting the health of his father and filed W.P(MD)No.26555 of 2022. Pursuant to the direction given by this Court in the said writ petition, the convict was granted 10 days ordinary leave with escort. The convict availed that leave between 23.01.2023 and 02.02.2023. Therefore his request for ordinary leave for further period of 30 days been rejected vide communication dated 23.02.2023.

3.This Court on perusing the rejection order finds that it is based on the Rule prevailing and no illegality in the said order. Further, since the representation has already been disposed of, this writ of mandamus is not maintainable.

4.The learned Additional Public Prosecutor states that if in case of any request for emergency leave, on verification of the fact, prison authorities will pass appropriate order.



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5.Recording the said submission made by the learned Additional Public Prosecutor, this writ petition stands disposed of. No Costs.

[G.J.,J.] & [K.K.R.K.,J.]
24.02.2023

Index: Yes/No
Internet: Yes/No
NCC: Yes/No
PJJ

To

1.The Deputy Inspector General of Prison,
O/o.the Deputy Inspector General of Prison,
Egmore,
Chennai- 600 008.

2.The Superintendent of Prison,
Central Jail,
Palayamkottai,
Tirunelveli District.

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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