



WP(MD)No.6858 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 03.04.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

W.P.(MD)No.6858 of 2023

Sathya

.. Petitioner

Vs.

1.The State of Tamilnadu
represented by the Principal Secretary to Government
Fort St. George
Chennai 600 009.

2.The Director General
Prison and Correctional Services,
State of Tamil Nadu
No.6 Whannels Road, Egmore,
Chennai 600 008.

3.The Deputy Inspector General of Prisons,
Madurai Range,
A.A.Road, Arasaradi
Madurai 625 016.

4.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the respondents to grant twenty eight days ordinary leave to the petitioner's husband for the better treatment in private hospital by exemption under Rule 40 of the Tamilnadu Suspension of Sentence Rules, 1982 by considering the petitioner's representation submitted to the respondents dated 13.03.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

The petitioner's husband is a life convict and has been confined in Madurai Central Prison, Madurai and he had been suffering with some ailments and therefore, he has to take medical treatment, for which, according to the petitioner, Doctors report/medical report has been furnished, based on which, the petitioner had given a representation on 13.03.2023 to the respondents, who are the authorities for permitting the petitioner's husband ie., the life convict for grant of ordinary leave for 28 days, but the said representation, since has not been considered, the petitioner is before this Court with this writ petition.



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2. Heard the learned counsel for the petitioner, who, after having reiterated the same, seeks indulgence of this Court to give a direction to the respondents to consider the representation of the petitioner and to pass orders on merits and in accordance with law within a time frame that may be fixed by this Court.

3. Heard the learned Additional Public Prosecutor, who, on instructions, would submit that though he is eligible for getting leave as to whether on the what treatment that the detenu wants to take, whether such a long leave of 28 days could be granted or not would be considered by the respondents and orders would be passed thereon by the 4th respondent within a maximum period of 10 days.

4. Having considered the said submission made by the learned counsel for the petitioner, especially the stand taken by the learned Additional Public Prosecutor, this Court is inclined to pass the following direction:

“there shall be a direction to the 3rd and 4th respondents to consider the representation of the petitioner dated 13.03.2023 and pass orders thereon on



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merits and in accordance with law, within a period of ten days from the date of receipt of a copy of this order.”

With the above direction, this writ petition is disposed of.

(R.S.K.,J.) (K.K.R.K.,J.)
03.04.2023

Index : Yes/No

Internet : Yes

RR

To

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3.The Deputy Inspector General of Prisons,
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4.The Superintendent of Prison,
Madurai Central Prison, Madurai District.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



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