



WP (MD)No.9569 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

WP(MD).No.9659 of 2023

R.Ramalingam

: Petitioner

Vs

- 1.The State of Tamilnadu
Represented by the Secretary to Government
Home (Prison-IV) Department
Secretariat, Fort St. George,
Chennai 600 009.
- 2.The Additional Director General of Police (Prisons)
Inspector General of Prisons,
CMDA Tower-II
No.1 Gandhi Irwin Road
Egmore, Chennai 600 008.
- 3.The Deputy Inspector General of Prisons and
Correctional Services, Madurai Range,
Madurai Central Prison Campus
New Jail Road
Madurai 625 016.
- 4.The Superintendent of Prison,
Central Prison,
Palayamkottai, Tirunelveli

: Respondents



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Prayer : Habeas Corpus Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to grant ordinary leave of 40 days without police escort to detenu Ravi S/o.Ramalingam Lct No.3316 for providing medical treatment to the ailing mother and grandmother of the detenu as per the Rule 22 of the Suspension of Sentence Rules, 1982 amended vide G.O.(Ms) No.205 Home (Prison-V) Department, dated 25.04.2022 and by considering the petitioner's representation dated 03.02.2023 made to the respondents.

For Petitioner : Mr.P.Karthick
For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The prayer in the present writ petition is for issuance of a mandamus seeking for ordinary leave to the petitioner's son Ravi S/o.Ramalingam, who is a life convict in Lct No.3316 for providing medical treatment to his ailing mother and grandmother as per the Rule 22 of the Suspension of Sentence Rules, 1982 amended vide G.O.(Ms) No.205 Home (Prison-V) Department, dated 25.04.2022 by considering the petitioner's representation dated



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03.02.2023 made to the respondents.

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2. It is seen that simultaneously the petitioner had given representation to the 2nd respondent for the same relief. In view of the non consideration of the representation in time, he had filed the present writ petition.

3. Today when the case was taken up for hearing, the learned Additional Public Prosecutor produced a copy of the proceedings No. 1004/உத.2/2023 dated 03.07.2023, whereby his representation has been rejected. Hence, the appropriate course available to the petitioner would be to challenge the rejection order and no effective orders can be passed for the prayer seeking for issuance of a writ of mandamus. Accordingly, this writ petition is closed with liberty to the petitioner to challenge the rejection order.

[M.S.R.,J] [M.N.K.,J]

05.07.2023

Index : Yes / No

Internet : Yes

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



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M.S. RAMESH, J.
AND
M.NIRMAL KUMAR, J.

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