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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **15.05.2023**

CORAM:

THE HONOURABLE MRS.JUSTICE S.SRIMATHY
AND
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.11996 OF 2023

Sethupathi

... Petitioner

Vs.

1.The State of Tamil Nadu
Rep.By the Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Fort St.George
Chennai

2.The Additional Director General of Prison
O/o.The Additional Director General of Prison
No.1, Gandhi Erwin Road, Egmore
Chennai

3.The Commissioner of Police
O/o.The Commissioner of Police
Tirunelveli City

4.The Superintendent of Prison
Central Prison
Palayamkottai
Tirunelveli

5.The Inspector of Police
Melapalayam Police Station
Tirunelveli City

.. Respondents



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PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent no.4 to temporarily release the petitioner's brother namely Anbu@Anbu Kumar, son of Muthaiah aged about 24 years who is confining at Central Prison, Palayamkottai District under preventive detention in order to attend his father's funeral by considering his representation dated 15.05.2023.

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

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

(Made by **R.VIJAYAKUMAR,J.**)

The present writ petition has been filed seeking a mandamus to direct the 4th respondent, the Superintendent of Prison, Central Prison, Palayamkottai, Tirunelveli to release the petitioner's brother namely Anbu @ Anbu Kumar, who is under preventive detention in order to attend his father's funeral.

2. Admittedly, the petitioner's brother is lodged in a Central Prison, Palayamkottai as remand prisoner in Crime No.196 of 2023 on the file of the 5th respondent and the petitioner's brother has been detained under Act 14 by the 3rd respondent in TPDA No.7748 dated 05.05.2023. In the meanwhile, the detenu's father had passed away on 15.05.2023 and



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immediately the detenu's brother has sent a representation to the 4th respondent seeking his release to attend the funeral ceremony at about 6.00 p.m on 15.05.2023. Since the said representation has not considered as expeditiously as called for, the present writ petition has been filed.

3.The learned Additional Public Prosecutor appearing for the respondents had brought to the notice of the Court that the 3rd respondent had already passed order on 15.05.2023 granting parole to the detenu from 17.30 hours to 20.00 hours on 15.05.2023. According to the learned Additional Public Prosecutor, the detenu is a remand prisoner for the offence under SC/ST Act and considering his safety, only 2 ½ hours have been granted to the detenu to attend his father's funeral ceremony. However, the learned counsel for the petitioner had requested the Court to extend the time so as that he could attend the other ceremonies connected with the final rites. According to the learned Additional Public Prosecutor, the detenu was already released at about 5.30 p.m.

4.Considering the above said facts, we are inclined to allow the writ petition to the extent that the detenu may be again lodged to the prison at 21.00 hours on 15.05.2023.



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costs.

5.The Writ Petition is allowed to the extent as stated above. No

(**S.S.Y. J.** **&** **R.V.J.**)

15.05.2023

Index :Yes/No

Internet:Yes/No

msa

Note: Issue Order Copy on 15.05.2023



To
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The State of Tamil Nadu
Home, Prohibition and Excise Department
Fort St.George
Chennai

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4.The Superintendent of Prison
Central Prison
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Tiruneveli

5.The Inspector of Police
Melapalayam Police Station
Tirunelveli City

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



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**S.SRIMATHY,J.
and
R.VIJAYAKUMAR,J.**

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W.P(MD)No.11996 OF 2023

15.05.2023