



W.P.(MD) No.12361 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.05.2023

CORAM:

**THE HON'BLE MR.T.RAJA, THE ACTING CHIEF JUSTICE
and
THE HON'BLE MRS.JUSTICE L.VICTORIA GOWRI**

W.P.(MD) No.12361 of 2023

Renubai

... Petitioner

Vs.

1.The Secretary to Government
Home Department,
Government of Tamil Nadu,
Secretariat,
Chennai-9.

2.The Additional Director General of Police (Prisons)/
The Inspector General of Police,
Office of ADGP (Prisons) / I.G. of Prisons,
ThalamuthuNatarajarMaaligai,
Egmore, Chennai.

3.The Superintendent of Prison
Central Prison,
Madurai.

4.The Inspector of Police
Kenikkarai Police Station,
Ramanathapuram District.

... Respondents

Page No.1/6



W.P.(MD) No.12361 of 2023

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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the third respondent to grant ten days emergency leave or ordinary leave to the petitioner's son who are confined in Central Prison Madurai by name Madhav Magesh, S/o.Gopal, C.P.No.6256, aged about 33 years and Bala Yogesh, S/o.Gopal, C.P.No.6259, aged about 32 years a life convict from 18.05.2023 to 28.05.2023 for attending their father's funeral ceremony and for performing the final rites.

For Petitioner : Mr.S.Srikanth
for M/s.APN Law Associates

For Respondents : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.S.Ravi
Additional Public Prosecutor

ORDER

**[Order of the Court was made by
The Hon'ble The ACTING CHIEF JUSTICE]**

Mr.R.Baskaran, learned Additional Advocate General, assisted by Mr.S.Ravi, learned Additional Public Prosecutor takes notice for the respondents.

Page No.2/6



W.P.(MD) No.12361 of 2023

WEB COPY

2. Since the petitioner's husband Gopal passed away yesterday, this writ petition has been filed for issuance of a Writ of Mandamus under Article 226 of Constitution of India to direct the third respondent to grant 10 days (18.05.2023 to 28.05.2023) emergency leave or ordinary leave to the petitioner's son namely, Madhav Magesh, S/o.Gopal, aged about 33 years and Bala Yogesh, S/o.Gopal, aged about 32 years, who are confined in Central Prison, Madurai.

3. Learned Additional Public Prosecutor appearing for the respondents submitted that already one day emergency leave has been granted to both sons for participating in the last rites of their father, since cremation starts at 4.00 p.m., today (18.05.2023). He further submitted that one day time is sufficient for attending the last rites ceremony of their father and the respondents afraid of any untoward incident that may cause or even lead to retaliation from other opposite party since they are also living in the same village.



WEB COPY

W.P.(MD) No.12361 of 2023

4. However, considering the fact that the petitioner's mother has asked for ten days time to perform the last rites, we grant three days time from 18.05.2023 to 20.05.2023. The convict prisoners namely, Madhav Magesh, S/o.Gopal, aged about 33 years and Bala Yogesh, S/o.Gopal, aged about 32 years, are directed to surrender before the concerned authority on or before 20.05.2023 at 7.00 p.m.

5. With the above directions, the writ petition stands disposed of. No costs.

[T.R., A.C.J.] [L.V.G.,J.]
18.05.2023

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

RM

Note : Issue order copy on 18.05.2023

Page No.4/6



W.P.(MD) No.12361 of 2023

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To

- 1.The Secretary to Government
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The Inspector General of Police,
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W.P.(MD) No.12361 of 2023

T.RAJA, A.C.J.
and
L.VICTORIA GOWRI, J.

RM

ORDER MADE IN
W.P.(MD) No.12361 of 2023

DATED : 18.05.2023