



WP(MD)No.18775 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.08.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

W.P.(MD)No.18775 of 2023

Balakrishnan

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
O/o.Deputy Inspector General of Prisons,
and Correctional Services
Madurai Range, Madurai Central Prison Campus
New Jail Road
Madurai 625 016.

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, directing the respondent No.1 and 2 to grant ordinary leave to the petitioner son for the period of 40 days without escort by considering the petitioner's representation dated 26.07.2023.



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For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

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

By consent, the writ petition itself is taken up for final hearing.

2. The petitioner's son, viz., Prabakaran (Convict No.4904), S/o.Lakshmana Perumal, is confined in the second respondent prison as a life convict. She has sent a representation dated 26.07.2023 to the respondents seeking for ordinary leave for her son for a period of 40 days. Since the said representation was not considered, the petitioner is before this Court with this writ petition.

3. Today when the matter was called, the learned Additional Public Prosecutor produced a copy of the order passed by the second respondent dated 02.08.2023, wherein the petitioner's representation dated 26.07.2023 has already been rejected. While that being so, the prayer that has been sought for in the



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present writ petition has become infructuous. Accordingly, this writ petition is dismissed as infructuous. However, liberty is granted to the petitioner to challenge the order of rejection dated 02.08.2023 in the manner known to law.

(M.S.R.,J.) & (M.N.K.,J.)
03.08.2023

NCC : Yes / No

Index : Yes / No

RR

To

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

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



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

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