



WP(MD)No.20946 of 2023

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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DATED: 20.09.2023

CORAM

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

**WP.(MD)No.20946 of 2023**

Kumari

.. Petitioner

Vs.

1.The Additional Chief Secretary/Principal Secretary  
Home Department  
Secretariat,  
Chennai 600 009.

2.The Deputy Inspector General of Prison,  
Madurai Region,  
A.A.Road, Arasaradi  
Madurai 625 016.

3.The Superintendent of Prison,  
Central Prison,  
Madurai.

4.The Inspector of Police,  
Gudalur North Police Station,  
Theni District

.. Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the respondents to grant 90 days leave to petitioner's ailing husband namely Alexandian @ Pandian a life



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convict prisoner at Central Prison, Madurai in connection with CrI.A(MD) No.252 of 2019 dated 23.08.2022 on the file of this Court for providing better treatment to his ailments in a private hospital by considering the petitioner's representation dated 19.07.2023.

For Petitioner : Mr.V.Thirumal

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 consideration of the petitioner's representation, wherein, she had sought for grant of 90 days of ordinary leave for her husband Alexpandian @ Pandian a life convict prisoner CP No.5832 at Central Prison, Madurai

2. Under Rule 22(2) of the Tamil Nadu Suspension of Sentence Rules, 1982 (hereinafter referred to as 'the Rules'), a life prisoner shall be entitled for grant of 21 days of ordinary leave, when the prisoner has completed three years of imprisonment.



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3. Admittedly, the petitioner's husband has completed three years five months and 29 days as on 31.08.2023 as a life convict prisoner and therefore, he would be entitled for 21 days of ordinary leave under Section 22(2) of the Rules.

4. In this regard, it would be appropriate to direct the prison authorities to consider the petitioner's representation and grant such a leave to her husband. Accordingly, there shall be a direction to the 2<sup>nd</sup> respondent herein to consider the petitioner's representation dated 19.07.2023 and pass appropriate orders granting 21 days ordinary leave in accordance with Rule 22(2) of the Rules together with any other reasonable conditions. Such order shall be passed atleast within a period of one week from the date of receipt of a copy of this order.

The writ petition stands allowed accordingly.

(M.S.R.,J.) (M.N.K.,J.)  
20.09.2023

NCC : 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.**

**RR**

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