



W.P.(MD)No.27272 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.11.2023

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CORAM:

THE HONOURABLE MR.JUSTICE M.SUNDAR

and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.(MD)No.27272 of 2023

Muthukani

: Petitioner

Vs.

1.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat,
Chennai – 600 009.

2.The Director General of Police /
Director of Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Elumbur, Chennai – 8.

3.The Deputy Inspector General of Prison,
Madurai Central Prison Campus,
Madurai Range,
Madurai.

4.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

: Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the second respondent to grant 21 days ordinary leave to petitioner's husband by name Murugesan son of Mariyappan aged about 57 years, confining at Palayamkottai Central Prison as life convict to repair our home and to take steps to share our family property to our daughters in prusuanace of rule 20 of Tamil Nadu Suspension of Sentence Rules, 1982 or on the basis of the G.O.Ms.No.205 Home (Prison V) Department dated 25.04.2022.

For Petitioner : Mr.S.Mohammed Yunnis

For Respondents 1 to 4 : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

O R D E R

[Order of the Court was made by M.SUNDAR, J.]

Captioned 'Writ Petition' ['WP' for the sake of brevity] has been filed in this Court on 08.11.2023.

2.Captioned WP pertains to 21 days ordinary leave for WP petitioner's spouse Thiru.Murugesan son of Mariyappan who is now serving sentence in Palayamkottai Central Prison having been convicted and handed down life imprisonment sentence.



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3.To be noted, 21 days ordinary leave has been sought *inter alia* on the ground of repairing the homestead which is a ground under Clause (iii) of Rule 20 of 'the Tamil Nadu Suspension of Sentence Rules, 1982' [hereinafter 'said Rules' for the sake of convenience and clarity].

4.Learned Counsel for petitioner submits that there has been inaction necessitating the filing of captioned WP.

5.Issue notice to official respondents.

6.Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor accepts notice for all respondents and on instructions submits that 07.11.2023 representation given by WP petitioner seeking 21 days ordinary leave is under consideration and two [2] weeks time will be a reasonable time frame to take a call on the same.

7.Recording the aforementioned submission of learned Prosecutor captioned WP is disposed of with a directive to the second respondent to decide the 07.11.2023 representation of WP petitioner as expeditiously as his business would permit [to be noted, the decision will be on its own merits and in accordance with



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law qua 07.11.2023 representation] but in any event within a fortnight from today ie., by **30.11.2023**.

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8.Captioned WP is disposed of with the aforementioned directive and observations. There shall be no order as to costs.

[M.S.,J.] & [R.S.V.,J.]

16.11.2023

Neutral Citation : Yes/No

Index : Yes/No

Internet : Yes/No

MR



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To

- 1.The Secretary to Government,
Home Department,
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M.SUNDAR, J.
and
R.SAKTHIVEL, J.

MR

ORDER MADE IN
W.P.(MD)No.27272 of 2023

16.11.2023