



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.27353 of 2023

Muthulakshmi

: Petitioner

Vs.

1.The State of Tamil Nadu,

Represented by its,

Additional Chief Secretary to Government,

Home Department (Prisons),

Secretariat, Chennai.

2.The Deputy Inspector General of Prison,

Madurai Range,

Madurai – 625 001.

3.The Superintendent of Prison,

Central Prison,

Palayamkottai – 627 007.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the respondents to grant an extension of ordinary leave without escort to petitioner's husband, the convict prisoner, namely Marimuthu @



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Muthuram, aged 42 years, bearing Convict No.505, at Central Prison, Palayamkottai for further period of one month from 17.11.2023 based on petitioner's representation dated 08.11.2023.

For Petitioner : Mr.R.Narayanan

For Respondents 1 & 2 : 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 15.11.2023.

2.Short facts are that WP petitioner's spouse one Thiru.Marimuthu @ Muthuram aged 42 years who is a life convict [Convict No.505] now serving sentence in Central Prison, Palayamkottai was granted 21 days ordinary leave by the second respondent; that this ordinary leave granted by second respondent was with escort; that in and by an order in W.P.(MD)No.25365 of 2023 dated 19.10.2023 this with escort part of the order of second respondent was deleted; that the convict prisoner should now surrender by tomorrow ie., 17.11.2023 [Friday] by 05.30 p.m.; that captioned writ petition has been filed with a prayer for extension of ordinary leave with escort.



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3.Ordinary leave was on the ground of writ petitioner's illness. Now from the medical report placed before us we find that it is a case of Bilateral Renal Calculi and it is not a case where admission or procedure is required. Therefore, we deem it appropriate to say that we are not inclined to entertain the plea for extension of leave for the prisoner but we preserve the rights of WP petitioner and the convict prisoner or anyone concerned for the convict prisoner to approach the authorities and or come to this Court if there are any change in circumstances.

4.Captioned WP is disposed of as closed with the aforementioned observation and preservation of rights in the aforesaid manner. 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 Additional Chief Secretary to Government,
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2.The Deputy Inspector General of Prison,
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Madurai – 625 001.

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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