



W.P(MD)No.27383 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : **17.11.2023**

CORAM :

THE HONOURABLE MR.JUSTICE **M.SUNDAR**
and
THE HONOURABLE MR.JUSTICE **R.SAKTHIVEL**

W.P(MD)No.27383 of 2023

Bala

... Petitioner

vs.

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

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

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents 1 and 2 to extend the ordinary leave to the petitioner's husband from 23.11.2023 to 13.12.2023 for further 20 days by considering petitioner's representation dated 10.11.2023.

For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor



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ORDER

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

Captioned 'Writ Petition' ['WP' for the sake of brevity] has been filed with a prayer to extend ordinary leave to writ petitioner's husband. To be noted, writ petitioner's husband is a prison inmate and ordinary leave for the period from 03.11.2023 to 22.11.2023 was granted by this Court vide order dated 30.10.2023 made in W.P.(MD)No.24945 of 2023 [Neutral Citation 2023/MHC/4816] on the ground that prison inmate's father is unwell.

2. As already alluded to supra, captioned WP has been filed with a prayer for extension of the aforementioned leave by further 20 days. Mr.S.M.A.Jinnah, learned counsel for Writ Petitioner now submits that the prison inmate itself is unwell and he requires treatment. Therefore, the ground on which leave is being now sought is different from the ground on which leave was granted earlier.

3. In the circumstances, we make the following order:

(i) let the prison inmate surrender before the office of



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the second respondent by 5.30 p.m., on 22.11.2023 as per our

30.10.2023 order made in W.P.(MD)No.24945 of 2023;

(ii) let the office of second respondent produce the prison inmate before the Prison Doctor for a thorough examination and also take the prison inmate to a bigger hospital if any referral is made by the Prison Doctor;

(iii) it is for the second respondent to ensure that adequate and ample medical care is given to the prison inmate as per advise of the Prison Doctor / referral hospital if there is any;

(iv) if the medical reports warrant leave on the ground of illness for the prison inmate, it is open to the prison inmate to approach the authorities and the authorities shall consider the same on its own merits and in accordance with law de hors this order;



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(v) If the above situation arises depending on the outcome, it is open to the petitioner and / or any one concerned for the prison inmate to come back to this Court with a suitable petition. If there is a fresh leave application, the same shall be considered de hors this period from 03.11.2023 to 22.11.2023 as this leave has been granted by this Court in exercise of its Constitutional powers.

4. Captioned WP is disposed of in the aforesaid manner with the aforesaid observations and preservation of rights. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
17.11.2023

Index : Yes / No
Neutral Citation : Yes / No

vsm



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O/o. The Deputy Inspector General of Prison
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- 2.The Superintendent of Prison,
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Tirunelveli District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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and
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vsm

ORDER MADE IN
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