



WEB COPY



W.P.No.4985 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.4985 of 2024

S.Saritha

... Petitioner

Vs.

1.The Home Secretary,
Home Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Additional Director General of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-600 008.

3.The Superintendent of Prison,
Central prison, Puzhal,
Chennai District.

4.The Inspector of Police,
MGR Nagar Police Station,
Chennai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the respondents to admit the petitioner's husband Mr.Saravanan @ Arts Saravanan,



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S/o.Murugesan, confined at third respondent prison for surgery on the right leg at any Government Hospital at Chennai. In pursuant to the petitioner's representation dated 31.01.2024.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.Aravind.C

ORDER

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

This Writ Petition has been filed seeking a direction to the respondents to admit the petitioner's husband, who had been detained under the third respondent, in any government hospital at Chennai for surgery. According to the petitioner, her husband has suffered a fracture of the tibia and fibula on his right leg.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.



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3.Learned Additional Government Pleader submitted that when the petitioner's husband was taken to the Stanley Government Hospital, Chennai for treatment, he had refused to admit himself as an inpatient.

4.The fact that the petitioner's husband had suffered a fracture is not in dispute. As a matter of fact, the respondent themselves had thought it fit to have the petitioner's husband admitted in the government hospital. However, they claimed that it was the prisoner who had refused to be an inpatient. Now, that the prisoner's wife has filed the present Writ Petition seeking treatment in the government hospital, we are of the view that the petitioner's request can be acceded.

5.Accordingly, there shall be a direction to the third respondent to forthwith produce the petitioner's husband before the concerned department of the Stanley Government hospital, Chennai for medical treatment and, if required, be treated as an inpatient on the advice of the doctors concerned. Such action shall be taken at least before 08.03.2024.



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6. With the above direction, this writ petition is disposed of. No costs.

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

06.03.2024

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

Anu

Note to office: Issue order copy on 07.03.2024.

To

1. The Home Secretary,
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Chennai-600 009.

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5. The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH, J.
and
SUNDER MOHAN, J.

Anu

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