



W.P.No.4525 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.02.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.4525 of 2024

Mrs.Arputha Jothi

... Petitioner

Vs.

1.The State rep. by its,
The Home Secretary to Government,
Prison Department,
Secretariat,
Chennai – 600 009.

2.The Director General of Prisons,
No.02, Whannels Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Puzhal,
Thiruvallur District – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 3rd respondent grant 28 days leave from 24.02.2024 to the petitioner's husband namely Mr.M.Karmegam, S/o.Muthu Subramanian (CT No-2434).



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

ORDER

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

Through an order dated 17.02.2024, the petitioner's husband was granted 6 days ordinary leave, commencing from 17.02.2024 to 24.02.2024. In the present Writ Petition, extension of leave for a further period of 28 days is sought for by the petitioner for her husband.

2. The reason assigned in the affidavit filed in support of the Writ Petition, for seeking leave is that the petitioner is suffering from dysfunctional uterine bleeding and hence, her husband's presence is required.

3. We are not convinced with the reason on which the petitioner has sought for extension of leave for her husband. When such a view was expressed, the learned counsel for the petitioner submitted that the



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petitioner has also given a representation dated 19.02.2024 to the respondents, seeking for further leave and that her husband is eligible to avail such leave. In view of the same, the Jail Authority may be directed to consider the petitioner's representation, within a stipulated time and thereafter, the grievance of the petitioner would be redressed.

4. Accordingly, the prayer sought for in the present Writ Petition stands rejected. However, there shall be a direction to the third respondent herein, to consider the petitioner's representation dated 19.02.2024, on its own merits and pass appropriate orders in accordance with law, within a period of two (2) weeks from the date of receipt of a copy of this order. With the above direction, the Writ Petition stands disposed of. No costs.

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

22.02.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

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

Sni

To

The Home Secretary to Government,
Prison Department,
Secretariat,
Chennai – 600 009.

2.The Director General of Prisons,
No.02, Whannels Road,
Egmore, Chennai – 600 008.

3.The Superintendent of Prison,
Central Prison at Puzhal,
Thiruvallur District – 600 066.

4.The Public Prosecutor,
High Court, Madras.

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22.02.2024