



WEB COPY



W.P.No.33048 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.No.33048 of 2024
and
W.M.P.No.35813 of 2024

Regila Rajasekaran

... Petitioner

Vs.

1. The Director General of Prisons,
Director General Office,
Egmore,
Chennai - 600 008.

2. Superintendent of Prison,
Central Prison, Puzhal - I,
Chennai - 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to grant 15 days extension of ordinary leave from 05.11.2024 to the convict C.T.No.10637, Rajasekaran S/o. Palayam, now on leave taking treatment at Kavitha Nursing Home, Chromepet, Chennai - 600 044 to undergo Surgery in L4 & L5 of Spinal cord.

For Petitioner : Mr.R.Sankarasubbu

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor



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ORDER

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

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The writ of mandamus has been instituted to grant 15 days extension of Ordinary Leave from 05.11.2024 to the convict *viz.*, Rajasekaran S/o. Palayam, bearing C.T.No.10637, now on leave taking treatment at Kavitha Nursing Home, Chromepet, Chennai - 600 044 to undergo Surgery in L4 & L5 of Spinal cord.

2. Mr.R.Sankarasubbu, the learned Counsel appearing on behalf of the petitioner would submit that this Court in W.P.No.30338 of 2024 passed order on 25.10.2024 and granted Emergency Leave for a period of one week commencing from 29.10.2024 and the said leave is going to expire on today i.e., 05.11.2024. Therefore, the present writ petition came to be instituted.

3. It is contended that the prisoner is undergoing treatment and he is immobile and thus the leave application submitted is to be considered.

4. Even in the earlier order dated 25.10.2024, this Court made an observation that "if necessary further treatment is to be provided to the prisoner at Government Stanley Hospital at Chennai."



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5. The Dean, Government Stanley Hospital *vide* his letter dated 14.10.2024 addressed to the Superintendent, Central Prison 1, Puzhal, Chennai stated that *"All the experts in unison agreed upon definitive surgical treatment since the patient has developed foot drop which is a manifestation of the above mentioned disease."*

6. The learned Counsel for the petitioner would submit that the son of the prisoner is an Advocate, who will take the prisoner to the Government Stanley Hospital by today i.e., 05.11.2024 and the Jail Authorities shall make necessary arrangements to continue treatment in Government Stanley Hospital, Chennai after surrender of the prisoner with the Jail Authorities.

7. The Prisoner shall surrender before the Jail Authorities at Government Stanley Hospital by today i.e., 05.11.2024. The Prison Authorities shall act in accordance with the medical advice to be given by the Doctors at Government Stanley Hospital.

8. The petitioner need not wait for the communication of this order and surrender the prisoner by today i.e., 05.11.2024 before the Jail Authorities at Government Stanley Hospital at Chennai.



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9. Accordingly, the Writ Petition stands **disposed of**. No costs.

Consequently, connected miscellaneous petition is closed.

[S.M.S., J.]

[M.J.R., J.]

05.11.2024

Index: Yes/No

Speaking/Non-speaking order

veda

To

1. The Director General of Prisons,
Director General Office,
Egmore,
Chennai - 600 008.
2. Superintendent of Prison,
Central Prison, Puzhal - I,
Chennai - 600 066.
3. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.



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S.M.SUBRAMANIAM, J.
AND
M.JOTHIRAMAN, J.

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