



W.P.No.36260 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.36260 of 2023

Chinnathambi

... Petitioner

Vs.

The State represented by its,

1. The Secretary to Government of TamilNadu,
Home Department,
Fort St. George,
Chennai 600 009.
2. The Deputy Inspector General of Prison,
Madurai Range,
Madurai 625 001.
3. The Superintendent,
Palayamkottai Central Prison,
Palayamkottai 627 007.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the respondents to grant ordinary leave of 40 days without escort to the detinue, Joseph,



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s/o. Chinnathambi, aged about 37 years, Convict No.4766 confined at Central Prison, Palayamkottai.

For Petitioner : Mr.S.Manoharan
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by
Mr.C.Aravind

ORDER

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

The petitioner, who is the father of the convict prisoner namely Joseph, Son of Chinnathambi, Ct. No.4766, now confined in the Central Prison, Palayamkottai, has come forward with this writ petition to direct the respondents to grant ordinary leave to his son for 40 days without escort.

2.The petitioner states that his son was convicted for the offence under Section 148 of IPC and sentenced to undergo rigorous imprisonment for 1 year and for the offence under Section 449 of IPC sentenced to undergo rigorous imprisonment for 2 years and for the offence under Section 302 r/w 34 of IPC sentenced to undergo life imprisonment. The petitioner further



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states that his son has been in incarceration for the past 15 years.

Since the petitioner is a senior citizen and suffering from various health problems, he needs moral support of his son. Therefore, he made a representation, dated 26.10.2023 to the respondents for ordinary leave to his son for 40 days without escort. Since the same has not been considered till date, he has come forward with this writ petition.

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

4.Having regard to the limited scope of the prayer in the writ petition, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this writ petition, directs the respondents to consider the representation of the petitioner, dated 26.10.2023 for ordinary leave to petitioner's son for 40 days without escort, and pass appropriate orders on merits and in accordance with law, within a period of one week from the date of receipt of a copy of this order, and communicate the same to the petitioner.



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WEB COPY 5. With the above direction, this writ petition is disposed of. No costs.

**[M.S.R., J] [S.M., J]
05.01.2024**

pvs

Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No

To

1. The Secretary to Government of TamilNadu,
Home Department,
Fort St. George,
Chennai 600 009.
2. The Deputy Inspector General of Prison,
Madurai Range,
Madurai 625 001.
3. The Superintendent,
Palayamkottai Central Prison,
Palayamkottai 627 007.
4. The Public Prosecutor,
High Court, Madras.



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and
SUNDER MOHAN, J.

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