



W.P.(MD).No.3049 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 11.03.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD).No.3049 of 2024
and
W.M.P.(MD).No.3027 of 2024

Nagaraj

.. Petitioner

Vs.

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

2.The Superintendent of Prison,
Madurai Central Jail,
New Jail Road,
Madurai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to set aside the impugned order passed by the Respondent No.1 in எண்.39/உ.த.2/2024 dated 04.01.2024 without escort to the petitioner's son namely Seenivasan (LCT No.6011)



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who is convicted in one murder case and languishing jail in Madurai Central Jail for the past 4 years.

For Petitioner : Mr.S.M.A.Jinnah
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The petitioner is the father of the life convict. The petitioner's representation dated 15.12.2023, seeking ordinary leave for his son, was rejected by the prison authorities, vide proceedings dated 04.01.2024, since the Probation Officer and the local Police have not recommended for grant of ordinary leave. The rejection order is under challenge in the present Writ Petition.

2. Now, in this Writ Petition, while challenging the rejection order, some fresh grounds have been raised by the petitioner, particularly, while the earlier representation seeking leave citing the ill health of the convict's mother no more survives, since the mother of the convict had lost her



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breath. In the Writ Petition, the ill health of the father of the convict, who is the petitioner herein, aged about 78 years, is cited as a reason for seeking ordinary leave for the convict.

3. The grounds raised in the Writ Petition have not been translated in the form of a representation to the authorities for consideration. Therefore, it is suffice to direct the petitioner herein to make a fresh representation to the respondents/prison authorities, seeking ordinary leave for the convict by citing appropriate reasons. On receipt of such representation, the respondents shall consider the same and pass appropriate orders on merits and in accordance with law within a period of two (2) weeks thereafter.

4. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition stands closed.

(G.J.,J.) (C.K.,J.)
11.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



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To

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Madurai.

2. The Superintendent of Prison,
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Madurai.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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