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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:11.03.2024

CORAM:

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

W.P.(MD) No.5712 of 2024

Anusiya

....Petitioner

-VS-

1.The Secretary to Government,
Home Department(Prison),
Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai -9.

2.The Additional Director General of Police(Prisons)/
The Inspector General of Police,
Office of the ADGP(Prisons)/IG of Prisons,
Thalaimuthu Natarajar Maaligai,
Egmore,
Chennai-8.

3.The superintendent of Prison,
Central Prison,
Madurai.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the respondents to grant one month emergency leave without escort to the Petitioner's

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father namely, Jeyakumar, son of Late.Ramachandran, a life convict prisoner(Life Convict No.5805), now confined at Central Prison, Madurai, for the purpose of attending serious illness of his daughter from 10.3.2024 to 10.4.2024 by considering the Petitioner's representation dated 16.02.2024.

For Petitioner : Mr.S.Srikanth

For Respondents : Mr.S.Ravi,
Addl.Public Prosecutor

ORDER

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

This Writ Petition has been filed seeking for a direction to the respondents to grant one month emergency leave without escort to the Petitioner's father namely, Jeyakumar, son of Late.Ramachandran, a life convict prisoner(Life Convict No.5805), now confined at Central Prison, Madurai, for the purpose of attending serious illness of his daughter from 10.3.2024 to 10.4.2024 by considering the Petitioner's representation, dated 16.02.2024.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.



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3.The Petitioner herein is the daughter of the life convict and since she is in family way, she has sought for emergency leave for her father, so that he can be with her at the time of delivery. The request of the Petitioner has been considered by the Prison Authorities and rejected the request on 08.03.2024 on the ground that the Life Convict has already preferred an appeal before the Honourable Apex Court and the same is pending. Therefore the Prison Rule does not permit them to consider leave application when an appeal is pending before the Court and it is also stated that the reason for seeking leave does not fall within the category of extraordinary reason to exercise the inherent power under Rule 40 of the Prison Rules.

4.In view of the above submission, this Court dismissed the Writ Petition seeking a Writ of Mandamus, however, with a liberty to the Petitioner to challenge the rejection order of the Prison authorities, in the manner known to law, if so advised.

[G.J.,J.] [C.K.,J.]

11.03.2024



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NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To:

- 1.The Secretary to Government,
Home Department(Prison),
Government of Tamil Nadu,
Secretariat,
St.George Fort,
Chennai -9.
- 2.The Additional Director General of Police(Prisons)/
The Inspector General of Police,
Office of the ADGP(Prisons)/IG of Prisons,
Thalaimuthu Natarajar Maaligai,
Egmore,
Chennai-8.
- 3.The superintendent of Prison,
Central Prison,
Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

vsn

ORDER MADE IN
W.P.(MD) No.5712 of 2024

11.03.2024