



W.P(MD)No.8865 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.04.2024

CORAM

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
AND
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

W.P.(MD).No.8865 of 2024

Latchumanan

.. Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Madurai Zone,
Madurai Central Prison,
Madurai-625 001.

2.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District - 627 002.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus directing the respondents to grant 40 days of ordinary leave without escort to the petitioner's son Jegan, S/o.Latchumanan, Life Convict Prisoner No.5170 confined in the Palayamkottai Central Prison.



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W.P(MD)No.8865 of 2024

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by A.D.JAGADISH CHANDIRA,J.)

The present Writ Petition is filed for a writ of mandamus directing the respondents to grant 40 days of ordinary leave without escort to the petitioner's son Jegan, S/o.Latchumanan, Life Convict Prisoner No.5170 confined in the Palayamkottai Central Prison.

2. The case of the petitioner is that he is aged about 75 years and suffering with serious health issues including neuropathic disease. On account of his neuropathic disease he is unable to do his daily chores on his own. Whiles, his wife died on 12.12.2023 and he has nobody to take care of him. His son who is now detained in prison has to arrange for livelihood and medical expenses of the petitioner and thereby his presence is required. The petitioner had applied for ordinary leave without escort and no orders has been passed by the respondent till date.



W.P(MD)No.8865 of 2024

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3. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents would submit that pending the writ petition, the first respondent has passed an order, dated 16.04.2024 granting 21 days ordinary leave to the petitioner with escort.

4. In reply the learned counsel for the petitioner would submit that the petitioner hails from poor background and he find it very difficult to take care of his daily expenses. He would further submit that the petitioner's son has been granted emergency leave on five occasions and during such time no untoward incident had happened and the petitioner's son had returned back to jail in due compliance of the condition imposed by the respondent and under such circumstances granting ordinary leave to the son of the petitioner with escort cannot be justified and thereby would seek for modification of the order.

5. Per contra the learned Additional Public Prosecutor would submit that it is true that the petitioner's son had been granted emergency leave on six occasions and this is the first time he had been granted ordinary leave



W.P(MD)No.8865 of 2024

and as usual and regular procedure he has been directed to go along with the escort.

6. Heard the learned counsels on both sides and perused the materials available on record.

7. The petitioner has sent representation seeking ordinary leave for his son since it was not considered he has approached this Court by way of writ of Mandamus. Now it is submitted by the respondent that ordinary leave has been granted to the petitioner's son with escort . It is the case of the petitioner that he hails from poor background and thereby he may not be able to afford expenses for the escort and that there is no justification for the same since on the earlier occasions he had been granted leave without escort and no untoward incident had happened during such time. In such circumstances, this Court is of the opinion that imposing a condition to go on ordinary leave along with escort is without any justification.



W.P(MD)No.8865 of 2024

8. In view of the above, the condition imposed in the order dated 16.04.2024 directing the petitioner's son to go on ordinary leave with escort is modified and he shall go on ordinary leave without escort. However, the petitioner's son is directed to comply with the usual conditions imposed by the jail authorities and he should also report before the Inspector of Police, Kallidaikurichi Police Station, Tirunelveli District daily at 6.30 PM during the period of ordinary leave. He shall duly comply with the conditions and return to the prison on expiry of the leave period.

9. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

(A.D.J.C.,J.) (K.R.S.,J.)
18.04.2024

NCC : Yes / No
Index : Yes / No
am

Note: Issue order copy on 26.04.2024



W.P(MD)No.8865 of 2024

To

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1. The Deputy Inspector General of Prisons,
Madurai Zone,
Madurai Central Prison,
Madurai-625 001.
2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District - 627 002.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To:

The Inspector of Police,
Kallidaikurichi Police Station,
Tirunelveli District.



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W.P(MD)No.8865 of 2024

A.D.JAGADISH CHANDIRA,J.
and
K.RAJASEKAR,J.

am

W.P.(MD).No.8865 of 2024

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