



W.P(MD)No.11318 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.05.2024

CORAM :

**THE HONOURABLE MS.JUSTICE R.N.MANJULA
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P(MD)No.11318 of 2024

Ajith

... 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
O/o. Superintendent of Central Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

... Respondents

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus, to call for the records of impugned order passed by respondent No.1 in RO.MDU/70/2024-G2 dated 12.05.2024 and quash the same as bad in law and consequently directing the respondents herein to grant an ordinary leave to petitioner's father for the period of 30 days without escort by considering petitioner's representation dated 20.05.2024, since petitioner's father's presence without escort is very much necessary to complete petitioner's sister's alliance and marriage arrangements.



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For Petitioner : Mr.S.M.A.Jinnah

For Respondents : Mr.RMS.Sethuraman, Additional Public Prosecutor

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ORDER

(Order of the Court was made by **R.N.MANJULA, J.**)

Challenging the order passed by the 1st respondent dated 12.05.2024, granting 28 days ordinary leave to the petitioner's father, who is a convict prisoner in C.P.No.2282 at Central Prison, Palayamkottai, with escort and execution of bail bond, the petitioner, who is the son of the prisoner, has filed this writ petition, to quash the said order. The petitioner has also sought for a consequential direction to the respondents herein to grant ordinary leave to petitioner's father for a period of 30 days without escort, by considering the petitioner's representation dated 20.05.2024.

2. Learned counsel appearing for the petitioner submits that the very object of seeking ordinary leave to the prisoner is to find an alliance for his daughter and already four alliances had been rejected due to absence of the prisoner. When that being so, the impugned order granting 28 days ordinary leave with escort will spoil the very object of ordinary leave and the prisoner being escorted always with security police will cause embarrassment when he goes for finding an alliance for his daughter.



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3. We are of the view that the petitioner has made out a reasonable cause for relaxing the condition of escort during leave days and considering the fact that on earlier occasion also, the prisoner had been given ordinary leave without escort, we direct the petitioner to give a fresh representation to the respondents forthwith, seeking ordinary leave without escort. On receipt of such representation, the respondents are directed to consider the same compassionately and pass appropriate orders in accordance with law, within a period of one week from the date of receipt of the petitioner's representation.

4. With the above direction, the Writ Petition is disposed of. No costs.

(R.N.M., J.)

(C.K., J.)

22.05.2024

Index : Yes / No

Neutral Citation : Yes / No

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To

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.



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and
C.KUMARAPPAN, J.

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2. The Superintendent of Prison
O/o. Superintendent of Central Prison,
Central Prison,
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