



W.P(MD)No.11337 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.11337 of 2024

Divyabharathi

... Petitioner

vs.

1. State of Tamil Nadu,
Rep. by the Secretary to Government,
Home (Prison IV) Department,
Secretariat,
Fort St. George,
Chennai - 600009.

2. The Director General of Police and Inspector General of
Prisons and Correctional Services,
Whannels Road,
Egmore,
Chennai - 600008.

3. The Deputy Inspector General of Prisons and Correctional Services,
Trichy Range,
Subramaniyapuram,
Trichy - 620020.

4. The Superintendent of Prison,
Trichy Central Prison,
Trichy.

... Respondents



W.P(MD)No.11337 of 2024

Prayer : Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus, to direct the respondents to grant 15 days emergent leave for the petitioner's husband namely B.Gnanam (CP 23944) son of Benjamin aged about 35 years, confining at Trichy Central Prison as convict for participate and make arrangement of his Sister B.Gilda Arulmozhis marriage which was scheduled on 26.05.2024.

For Petitioner : Mr.R.Venkatesan

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

ORDER

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

The prayer in the writ petition is for issuance of a Writ of Mandamus, to direct the respondents to grant 15 days emergency leave for the petitioner's husband namely, B.Gnanam (CP.23944), son of Benjamin, aged about 35 years, confining at Trichy Central Prison, as convict, for participating and making arrangements of his Sister B.Gilda Arulmozhis's marriage, which is scheduled on 26.05.2024.

2. Today, when the writ petition was taken up for hearing, Mr.RMS.Sethuraman, learned Additional Public Prosecutor, who takes notice for the respondents, submits that the representation of the petitioner has been considered and one day emergency leave with escort to the prisoner, is



W.P(MD)No.11337 of 2024

recommended by the prison authorities, taking into account the objection raised by the Inspector of Police, Palakkarai Police Station, Trichy, stating that the granting of emergency leave would endanger his life and create law and order issue by the opponents of the prisoner.

3. Countering to the said submission, learned counsel appearing for the petitioner submits that the prisoner is required emergency leave to attend his sister's marriage and the grant of one day emergency leave is not sufficient. Since the prisoner being always escorted with security police, the respondents' apprehension of danger to the prisoner's life and law and order is unfounded.

4. We find force in the said submission of the learned counsel for the petitioner. Thus, we direct the petitioner to give a fresh representation to the respondents forthwith, seeking emergency leave to the prisoner to attend his sister's marriage. On receipt of such representation, the respondents are directed to consider the same sympathetically and pass appropriate orders in accordance with law within a period of one week from the date of receipt of the petitioner's representation.



W.P(MD)No.11337 of 2024

5. 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 Secretary to Government,
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W.P(MD)No.11337 of 2024

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