



W.P(MD)No.11855 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.06.2024

CORAM:

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

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P.Muthuselvam

... Petitioner

-VS-

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai.

2.The Additional Director General of Prison,
Whannels Road,
Egmore,
Chennai.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai.

4.The Inspector of Police,
Sawyerpuram Police Station,
Sawyerpuram,
Thoothukudi District.
(Crime No.42 of 2017).

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the third respondent to grant emergency leave for 3 days from 08.06.2024 to 10.06.2024 to the petitioner's father namely P.Ponsekar, S/o.Periyasamy Nadar, who is now confined at the Central Prison, Palayamkottai, for attending the petitioner's marriage, which is going to be held on 09.06.2024 at Perinba Vilas Marriage Hall, Sivathaiahpuram, Sawyerpuram Post, Eral Taluk, Thoothukudi District.

For Petitioner : Mr.N.Pragalathan

For Respondents : Mr.A.Thiruvadi Kumar
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 third respondent to grant emergency leave for 3 days from 08.06.2024 to 10.06.2024 to the petitioner's father namely P.Ponsekar, S/o.Periyasamy Nadar, who is now confined at the Central Prison, Palayamkottai, for attending the petitioner's marriage, which is going to be held on 09.06.2024 at Perinba Vilas Marriage Hall, Sivathaiahpuram, Sawyerpuram Post, Eral Taluk, Thoothukudi District.



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2. The learned counsel appearing for the petitioner would submit that the petitioner is the eldest son of his parents. His marriage is going to be held on 09.06.2024 at Perinba Vilas Marriage Hall, Sivathaiyapuram, Sawyerpuram Post, Eral Taluk, Thoothukudi District. Moreover, the ceremonies are going to be held on 08.06.2024 and 09.06.2024. At that time of his marriage, the presence of his father is necessary for doing the traditional formalities. Hence, the petitioner has sent a representation dated 21.05.2024 to the third respondent requesting them to grant emergency leave to his father to attend his marriage. Since the respondents have not taken any action on the representation of the petitioner, the present writ petition has been filed.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the representation of the petitioner, dated 21.05.2024 will be considered and suitable orders will be passed at the earliest.

4. Taking into consideration of the request of the petitioner and taking into sympathetic and humanitarian consideration, this Court is inclined to



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direct the third respondent to grant emergency leave for 3 days to the jail inmate with escort.

5. In the result,

(i) The writ petition is disposed of.

(ii) The convict prisoner, namely, P.Ponsekar, S/o.Periysamy Nadar shall be granted emergency leave for a period of three (3) days from 08.06.2024 to 10.06.2024 with escort.

(iii) He shall report back to the Superintendent of Prison, Central Prison, Palayamkottai/third respondent by 10.00 a.m., on 11.06.2024.

(iv) Necessary escort shall be provided to accompany the convict prisoner.

(v) The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoners during the imprisonment period.

(vi) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.



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(vii) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the jail manual.

(viii) No costs.

[A.D.J.C., J.] [K.R.S., J.]

06.06.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes / No

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Note: Issue order copy on 07.06.2024

To:

- 1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George, Chennai.
- 2.The Additional Director General of Prison,
Whannels Road,
Egmore, Chennai.
- 3.The Superintendent of Prison,
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