



W.P(MD)No.13912 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 27.06.2024

CORAM

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

W.P.(MD).No.13912 of 2024

Balakrishnan

... 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,
Central Jail,
Palayamkottai,
Tirunelveli District.

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 1 & 2 to grant ordinary leave for the period of 40 days without escort to the petitioner's son namely Prabhakaran, who is life convict prisoner in a murder case and languishing in Palyamkottai Central Jail for the period of 9 years, by considering the petitioner's representation, dated 19.06.2024.

For Petitioner : Mr.SMA.Jinnah
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 seeking to direct the respondents 1 & 2 to grant ordinary leave for the period of 40 days without escort to the petitioner's son namely Prabhakaran, who is life convict prisoner in a murder case and languishing in Palyamkottai Central Jail for the period of 9 years, by considering the petitioner's representation, dated 19.06.2024.



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2. When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents would submit that the representation of the petitioner has to be considered only by the Government, but the petitioner has not added the Government as a party to the proceedings. Further, the first respondent has already forwarded the representation of the petitioner to the Government for consideration.

3. In view of the above, The Additional Chief Secretary to the Government, (Home Prison), Secretariat, Chennai is *suo motu* impleaded as third respondent in this case.

4. In view of the submission of the learned Additional Public Prosecutor, without going into the merits of the matter, we direct the Additional Chief Secretary to the Government, (Home Prison), Secretariat, Chennai to consider the representation of the petitioner, dated 19.06.2024 and pass orders on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.



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5. Accordingly, this writ petition is disposed of. No costs.

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(A.D.J.C.,J.) (K.R.S.,J.)
27.06.2024

NCC : Yes / No

Index : Yes / No

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Note: Registry is directed to suo motu implead the Additional Chief Secretary to the Government, (Home Prison), Secretariat, Chennai as third respondent.

To

1.The Deputy Inspector General of Prison,
Madurai Range, Madurai Central Prison Campus,
New Jail Road,
Madurai.

2.The Superintendent of Prison,
Central Jail, Palayamkottai,
Tirunelveli District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy To

The Additional Chief Secretary to the Government,
(Home Prison), Secretariat, Chennai.



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

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