



W.P(MD) No.20285 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 27.08.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
AND
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD) No.20285 of 2024

V.Merlin Suhirthabell

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep by its the Deputy Inspector General of Prison,
Madurai Zone,
Madurai Central Prison,
Madurai 625 016.

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

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to grant ordinary leave for 40 days without escort to petitioner's husband, the prisoner, Bright, S/o.Johnson, Convict No.3899 detained at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.

ORDER

The Writ Petition has been filed in the nature of a Mandamus seeking direction against the respondents to grant ordinary leave for 40 days without escort to the husband of the petitioner, Bright, son of Johnson, Convict Prisoner No.3899, now detained at Central Prison in Palayamkottai.

2. The reasons given for seeking such leave is that the petitioner had stated that he has two daughters to look after and that arrangement will have to be made towards the educational expenses of



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the said two daughters. Among other documents filed, the identity card of the two children from St. Joseph's Girls' Higher Secondary School, Jawahar Nagar, Tirunelveli- 7, had also been enclosed. In this connection, the petitioner had given a representation on 11.06.2024.

3. An order had been passed by the second respondent on 26.08.2024 rejecting the said representation, wherein, it had been mentioned that the husband of the petitioner is involved in yet another case in C.C.No.409 of 2022 consequent to the registration of an FIR in Crime No.41 of 2018 by the Aralvaimozhi Police Station at Nagercoil. It is also stated that two children are studying in Government School and therefore, there is no necessity to pay any fees for them. This is a fact which has to be verified by the petitioner also, since on the side of the petitioner, the identity card of the two children from St. Joseph's Girls' Higher Secondary School, Jawahar Nagar, Tirunelveli- 7, had been produced.

4. Even otherwise, since the order had been passed consequent to the representation, it will only be appropriate that if the



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reasons given are not proper, the Writ Petition in the nature of Certiorari has to be filed. We grant that liberty to the petitioner herein.

5. Giving that particular liberty, this Writ Petition stands dismissed.

(C.V.K., J.) (J.S.N.P, J.)
27.08.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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State of Tamil Nadu,
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Madurai Central Prison,
Madurai 625 016.
2. The Superintendent of Prison,
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Palayamkottai,
Tirunelveli - 627 002.
3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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C.V.KARTHIKEYAN, J.
AND
J.SATHYA NARAYANA PRASAD, J.

RM

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