



W.P(MD) No.21052 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 04.09.2024

CORAM

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

**W.P(MD) No.21052 of 2024
and
W.M.P(MD)No.17838 of 2024**

C.Mathavan

... Petitioner

Vs

1. The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

2. The Director General of Police/
Director of Prisons and Correctional Services,
CMDA Towers II,
No.1, Gandhi Irvin Road,
Elumbur,
Chennai-8.



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3. The Deputy Inspector General of Prison,
Madurai Central Prison Campus,
Madurai Range,
Madurai.

4. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records vide Ref. No.92/UT.2/2024 dated 20.08.2024 issued by the 3rd respondent and set aside the same as illegal and may be pleased to direct the respondent to grant 30 days ordinary leave to petitioner's father by name Chinna Durai son of Masanam aged about 63 years, confining at Palayamkottai Central Prison as life convict to attend petitioner's marriage and to make marriage arrangements in pursuance of Rule 20 of Tamilnadu Suspension of Sentence Rules, 1982 or based on the G.O.Ms.No.205 Home (Prison V) Department, dated 25.04.2022.

For Petitioner : Mr.J.Joseph Zinoson
for M/s.Kwin Law Associates
For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor.



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ORDER

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The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking to set aside the order of the third respondent, Deputy Inspector General of Prison, Madurai Central Prison Campus, Madurai, dated 20.08.2024, by which order, the third respondent had rejected the representation given seeking 30 days ordinary leave to the father of the petitioner, Chinnadurai, who is confined at Palayamkottai Central Prison as a life convict.

2. The marriage of the petitioner had been arranged and is scheduled to take place on 08.09.2024 at the residence of the bride in Gandhi Nagar, Mukkani in Thiruchendur.

3. However, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor had forwarded an order copy dated 04.09.2024, passed by the fourth respondent, the Superintendent of Prison, Palayamkottai Central Prison, by which, the father of the petitioner had been granted emergency leave for 3 days.



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3. The learned counsel for the petitioner stated that the father of the petitioner may be released on emergency leave on 06.09.2024, which day would not be counted as one of the three days for counting the emergency leave which would be counted from 07.09.2024 to 09.09.2024. The father of the petitioner should surrender back to Palayamkottai Central Prison, on 10.09.2024. He can be granted leave from 11.00 a.m on 06.09.2024 till 4.00 p.m. on 10.09.2024. During the interregnum period, he must sign at 4.00 p.m. from 06.09.2024 to 09.09.2024 before the Inspector of Police, Thiruchendur Police Station.

4. With the above directions, though the Certiorari as sought by the petitioner is not granted, Writ Petition stands disposed of.

(C.V.K., J.) (J.S.N.P, J.)
04.09.2024

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



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To

1. The Secretary to Government,
Home Department,
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Chennai-600 009.
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Chennai-8.
3. The Deputy Inspector General of Prison,
Madurai Central Prison Campus,
Madurai Range,
Madurai.
4. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to

6. The Inspector of Police,
Thiruchendur Police Station.



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

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