



W.P(MD) No.21238 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 19.09.2024

CORAM

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

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Chitraivadivu

... Petitioner

Vs

1. The Deputy Inspector General of Prison
O/o. The Inspector General of Police,
and Correctional Service,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.

2. The Superintendent of Prisons,
O/o. The Superintendent of Prison
Palayamkottai Central Jail
Tirunelveli

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 and 2 to grant ordinary leave for a period of 30 days without escort to my son namely Pitchandi, S/o.Velaiah, who is life convict prisoner in a murder case and languishing in Palayamkottai



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Central Jail, Tirunelveli District for a period of 11 years by considering my representation dated 21.08.2024.

For Petitioner : Mr.S.M.A. Jinnah

For Respondents : Mr.A. Thiruvadikumar

Additional Public Prosecutor.

ORDER

The writ petition has been filed in the nature of a Mandamus seeking consideration of the representation dated 21.08.2024, by which representation the petitioner had sought ordinary leave to be granted to her son Pitchandi who is life convict prisoner bearing C.P.No.3480 and now confined at Central Prison, Palayamkottai, consequent to the conviction imposed in S.C. No.81 of 2010 by the District and Sessions Court, Mahila Court, Tirunelveli by judgment dated 25.01.2017 for the offences punishable under Sections 120(b),147,148 and 302 of IPC registered by the Melapalayam Police Station.

2. It is contended that the son of the petitioner had been continuously in incarceration for the past more than 11 years and he had taken emergency leave on two occasions owing to the death of his



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father/husband of the petitioner herein. The said representation given by the petitioner however had been rejected by the first respondent/Deputy Inspector General of Prison, Madurai Range, vide proceedings No. 583/உ.த.2/2024 dated 18.09.2024. It had been stated that the petitioner though an aged lady about 80 years is maintaining good health and that the fact they want to look out for a bride for her son is a fact which could not be established but appears to be probable.

3. We cannot stand in a way of any person expressing wish to get married and if the son of the petitioner is of marriageable age it would be a legitimate expectation on his part. We would therefore convert the writ petition into a writ of certiorarified mandamus and quash the order dated 18.09.2024 passed by the first respondent vide proceedings No. 583/உ.த.2/2024 and grant 20 days ordinary leave to the son of the petitioner Pitchandi, S/o.Velaiah, C.P.No.3480, now confined at Central Prison, Palayamkottai.

4. The respondent shall provide one escort who may be a shadow escort to watch over the son of the petitioner and ensure that the son of



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the petitioner does not abscond. The detenu shall be released from the prison at 10.00 a.m., on 24.09.2024 and he shall return back to the prison at 5.30 pm., on 13.10.2024. During the said leave period he shall report before the Inspector of Police, Melapalayam Police Station, Tirunelveli District everyday at 10.30 a.m., without fail.

5. With the above direction, the Writ Petition stands disposed of.

(C.V.K., J.) (J.S.N.P, J.)
19.09.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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Note: Issue order copy on 20.09.2024

To

1. The Deputy Inspector General of Prison
O/o. The Inspector General of Police,
and Correctional Service,
Madurai Range, Madurai Central Prison Campus,
New Jail Road, Madurai.



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2. The Superintendent of Prisons,
O/o. The Superintendent of Prison
Palayamkottai Central Jail
Tirunelveli
3. The Inspector of Police
Melapalayam Police Station,
Tirunelveli District
4. 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.

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