



W.P(MD)No.23503 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

W.P(MD)No.23503 of 2024

K.Marimuthu

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Secretary to Government,
Home Department, Secretariat,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Madurai Range, Madurai.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent through his proceedings No.525/உத.2/2024 dated 12.09.2024, quash the same and consequently directing the respondents to grant ordinary leave without escort to the petitioner's brother namely Mahendran @ Auto Mahendran, S/o.Karuppa Thevar, now confined in Central Prison, Madurai as Prisoner No.1295 for a period of one month.

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For Petitioner : Mr.A.S.Abul Kalaam Azad,
For M/s.Spicy Law Firm.

For Respondents : Mr.T.Senthil Kumar,
Addl. Public Prosecutor.

ORDER

(Order of the court was delivered by G.R.Swaminathan, J.)

The writ petitioner's brother is a convict undergoing sentence in view of the judgment rendered in C.C.No.240 of 2021 on the file of II Principal EC NPDS Court, Madurai. The petitioner is said to be undergoing dialysis. He also states that his brother / convict is ready to donate his kidney. A request was made for grant of ordinary leave without escort. The request was rejected vide order 12.09.2024 by the second respondent herein. Challenging the same, this writ petition has been filed.

2.The petitioner has not placed any material before this Court indicating compatibility between his brother's organ and that of himself. For this, tests have to be conducted. We are of the view that these tests can very well be conducted in Government Rajaji Hospital, Madurai



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itself. For this purpose, leave need not be granted. We, however, direct the third respondent to refer the convict / Mahendran @ Auto Mahendran to Government Rajaji Hospital, Madurai so that necessary tests can be performed. This shall be done expeditiously. If the medical report is in the affirmative, then, the petitioner would be at liberty to approach this Court again for appropriate relief.

3. With the aforesaid direction to the third respondent and liberty to the writ petitioner, the writ petition is disposed of. No costs.

(G.R.S. J.) & (R.P. J.)
04.11.2024

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
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To:-

1. The Secretary to Government,
Home Department, Secretariat,
Chennai – 600 009.
2. The Deputy Inspector General of Prison,
Madurai Range, Madurai.
3. The Superintendent of Prison,
Central Prison, Madurai.

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and
R.POORNIMA, J.**

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