



W.P(MD) No.23874 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Date : 18.11.2024

CORAM

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

W.P(MD) No.23874 of 2024

Jeyapandiyan

... Petitioner / Bother of the detenue

Vs

The State represented by its,

**1.The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai-600 009.**

**2.The Deputy Inspector General of Prison,
Madurai Range,
Madurai-625001.**

**3.The Superintendent,
Palayamkottai Central Prison,
Tirunelveli-627 007.**

**4.The Superintendent of Police,
Thoothukudi District.**

(R4 is suo motu impleaded vide order dated 05.11.2024

by GRSJ & RPJ)

... 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 Certiorarified Mandamus to call for the records pertaining to the impugned order no.431/VU.THA. 2/2024 dated 11.08.2024, issued by the 2nd Respondent and quash the same and grant ordinary leave for 40 days without escort to the detenue, Uthira Selvam, S/o.Karuppasamy, aged about 40 years, Convict No.3023, confined at Central Prison, Palayamkottai.

For Petitioner : Ms.K.Akshaya
for Mr.S.Manoharan
For Respondents : Mr.T.Senthil Kumar,
Additional Public Prosecutor.

ORDER

(Order of the Court was made by **G.R.SWAMINATHAN, J.**)

Heard both sides.

2. The petitioner is the brother of the life convict-Uthira Selvam (Convict No.3023). The petitioner's brother is undergoing incarceration in Central Prison, Palayamkottai. He has already served 11 years of sentence. His conduct in the prison appears to be good. He has been permitted to work in the petroleum fuel outlet run by the prison. He is



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entitled to 28 days ordinary leave. However, his request was rejected by the second respondent. Challenging the same, this writ petition came to be filed.

3. The reasons cited by the petitioner may not be correct. But then, considering the period of sentence already undergone by him and his overall conduct in the prison, we are inclined to grant 28 days ordinary leave to the petitioner without escort.

4. Accordingly, the convict-prisoner is granted ordinary leave for 28 days without escort on the following conditions :-

(a) The convict prisoner, Uthira Selvam S/o.Karuppasamy [Convict No.3023], now detained in the Central Prison, Palayamkottai, Tirunelveli, is granted ordinary leave for twenty eight (28) days from 23.11.2024 to 20.12.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 22.11.2024 and he shall return back to the prison at 5.00 p.m., on 21.12.2024.

(c) During the said leave period, he shall report before the Inspector of Police, Puthiamputhur Police Station, Thoothukudi District, daily at 10.00 a.m., from 23.11.2024 onwards, without fail.



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(d) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the Jail Manual.

5. With the above direction, the Writ Petition stands allowed. No costs.

(G.R.S., J.) (R.P., J.)
18.11.2024

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

NOTE: Issue Order Copy on 19.11.2024

To

1. The Secretary to Government of Tamil Nadu,
Home Department,
Fort St. George,
Chennai-600 009.
2. The Deputy Inspector General of Prison,
Madurai Range,
Madurai-625001.
3. The Superintendent,
Palayamkottai Central Prison,
Tirunelveli-627 007.



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4.The Superintendent of Police,
Thoothukudi District.

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

Copy To:

The Inspector of Police,
Puthiamputhur Police Station,
Thoothukudi District.



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