



W.P(MD) No.24714 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.10.2024

CORAM:

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE Ms.JUSTICE R.POORNIMA**

W.P(MD) No.24714 of 2024

Raja Mohamed

... Petitioner

Vs

1. The Deputy Inspector General of Prisons
and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai.

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

3. The Superintendent of Police,
O/o. the Superintendent of Police,
Dindigul District.

... 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 to grant ordinary leave to petitioner brother i.e., Sabir



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Ahamed, S/o. Sheik Oli (L.C.T. 4117) for the period of 40 days without escort, by considering his brothers representation dated 03.07.2024.

For Petitioner : Mr. A.Balaji

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor.

ORDER

This writ petition has been filed in the nature of mandamus seeking a direction to the respondents to grant ordinary leave for a period of 40 days to the brother of the petitioner, Sabir Ahamed, S/o. Sheik Oli, Convict Prisoner No. 4117, PID No.72047, now confined at Central Prison, Palayamkottai.

2.In the affidavit filed in support of the writ petition, it had been stated that the ordinary leave for a period of 40 days is required, since the mother of the convict prisoner had died on 27.09.2024.

3.The learned Additional Public Prosecutor had forwarded a copy of the proceedings of the first respondent, Deputy Inspector General of Prisons and Correctional Services, Madurai Range, dated 23.10.2023 in No.726/Vu.Tha.2/2024, wherein, the request for grant of ordinary leave had alone rejected.



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4.We would not deal with the merits on which, the rejection order had been passed. We would afford an opportunity to the petitioner to question and challenge the order through appropriate proceedings.

5.Further it is informed to this Court that the 30th day ceremony for the mother of the convict prisoner is scheduled on 26.10.2024.

6.In view of that particular fact, we would exercise our jurisdiction to grant one day emergency leave to the brother of the petitioner, Sabir Ahamed, S/o. Sheik Oli, Convict Prisoner No. 4117, PID No.72047, now confined at Central Prison, Palayamkottai to attend the 30th day ceremony of his mother on 26.10.2024, with minimum escort. The convict prisoner may avail emergency leave on 26.10.2024. He can proceed on leave at 02.30 p.m., on 25.10.2024 and must surrender back at 02.30 p.m., on 27.10.2024 with minimum escort.

7.Accordingly, the convict prisoner is granted emergency leave for one day on 26.10.2024 with minimum escort, on the following conditions :-



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*(a) The detenu, **Sabir Ahamed, S/o. Sheik Oli**,
Convict Prisoner No. 4117, PID No.72047, now
confined at Central Prison, Palayamkottai, is granted
emergency leave for one day on **26.10.2024**.*

*(b) The detenu shall be released from the prison
at 02.30 p.m., on 25.10.2024 and he shall return back to
the prison at 02.30 p.m., on 27.10.2024.*

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

6. With the above directions, this writ petition stands disposed of. Though the representation of the petitioner had been rejected, we are giving liberty to the petitioner to question the rejection order by way of filing separate proceedings.

(C.V.K., J.) (R.P., J.)
23.10.2024

Index : Yes / No
Internet : Yes / No



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NCC : Yes / No

PNM

To

1. The Deputy Inspector General of Prisons
and Correctional Services,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai.

2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
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3. The Superintendent of Police,
O/o. the Superintendent of Police,
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C.V.KARTHIKEYAN, J.
and
R.POORNIMA, J.

PNM

ORDER MADE IN
W.P(MD) No.24714 of 2024

23.10.2024