



W.P(MD) No.26142 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 11.11.2024

CORAM

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

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Mariya Laisal

... Petitioner

Vs

1.The State of Tamil Nadu
Represented by its
The Deputy Inspector General of Prison,
Madurai Central Prison,
Madurai-625 016.

2.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli-627 002.

3.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the respondents to grant ordinary leave for 40 days without escort to the



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petitioner's son, the prisoner, Sundar Raj, S/o.Selvaraj, Convict No.4709
detained at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Narayanan

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

ORDER

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

The mother of the convict (CT.No.4709) is the petitioner herein.
The convict is in incarceration in Central Prison, Palayamkottai since
08.12.2020. The petitioner sought ordinary leave for her son. Since it
was not considered, the present writ petition came to be filed.

2. After notice was ordered in the writ petition, the rejection order
bearing No.636/Vu.Tha.2/2024, dated 06.11.2024 was passed by the
first respondent. Since the rejection order was passed during the
pendency of the writ petition, we propose to mould the relief sought for
in the writ petition. In this case, the relief is sought on medical grounds.
The probationary officer has clearly stated that the petitioner is not
having any serious health issues. He states that the medical records have



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not been produced. However, in the typed set of papers, the certificate dated 26.08.2024 issued by the Kumaran Hospital, Kurunthancode has been produced. It states that the petitioner is suffering from cardiac related ailment and that she is under treatment. The petitioner's counsel states that on account of ill health, the petitioner has not been able to go and see her son.

3. Taking into account all these aspects, the order bearing No. 636/Vu.Tha.2/2024, dated 06.11.2024 is set aside. Accordingly, the convict-prisoner is granted ordinary leave for 21 days without escort on the following conditions :-

(a) The convict prisoner, Sundar Raj S/o.Selvaraj [Convict Prisoner No.4709], now detained in the Central Prison, Palayamkottai, is granted ordinary leave for twenty one (21) days from 15.11.2024 to 05.12.2024.

(b) The convict prisoner shall be released from the prison at 10.00 a.m., on 14.11.2024 and he shall return to the prison at 5.00 p.m., on 06.12.2024.



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(c) During the said leave period, he shall report before the Inspector of Police, Eraniel Police Station, Kanyakumari District, daily at 10.00 a.m., from 15.11.2024 onwards, without fail.

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

4. With the above direction, the Writ Petition stands allowed.

No costs.

(G.R.S., J.) (R.P., J.)
11.11.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
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To
1. The Deputy Inspector General of Prison,
Madurai Central Prison,
Madurai-625 016.

2. The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli-627 002.

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3.The Superintendent of Police,
Kanyakumari District,
Nagercoil.

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

Copy To:

The Inspector of Police,
Eraniel Police Station,
Kanyakumar District.



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