



W.P.(MD).No.30941 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 23.02.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HON'BLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD).No.30941 of 2023
and
W.M.P.(MD).No.1400 of 2024

Muthukani

.. Petitioner

Vs.

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

2.The Director General of Police /
Director of Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Elumbur,
Chennai - 8.

3.The Deputy Inspector General of Prison,
Madurai Central Prison Campus,
Madurai Range,
Madurai.

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

.. Respondents



W.P.(MD).No.30941 of 2023

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the respondents to grant 21 days ordinary leave to the petitioner's husband by name Murugesan, S/o.Marriyappan aged about 57 years, confining at Palayamkottai Central Prison as life convict to repair the homestead and make arrangement for the partition of our family property in pursuance of Rule 20 of 'Tamilnadu Suspension of Sentence Rules, 1982' and on the basis of the G.O.Ms.No.205 Home (Prison V) Department dated 25.04.2022 by way of considering the representation of the petitioner dated 07.12.2023.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The present Writ Petition is filed for Mandamus seeking direction to the respondents to grant 21 days of ordinary leave to the petitioner's husband, who is a life convict, to make arrangements for partition of the family property.

2. It is submitted that the third respondent/Deputy Inspector General of Prison has passed an order on 01.12.2023, granting 21 days of ordinary



W.P.(MD).No.30941 of 2023

leave to the petitioner's husband with escort to make arrangements for the partition of the family property. Hence, pending Writ Petition, the petitioner has filed an application in W.M.P.(MD).No.1400 of 2024 seeking to amend the prayer in the Writ Petition and modify the order passed by the third respondent dated 01.12.2023 by granting leave to the petitioner's husband without escort.

3. On perusal of records, this Court finds no merit to modify the order passed by the third respondent dated 01.12.2023, granting leave to the petitioner's husband with escort. Hence, the application in W.M.P.(MD).No. 1400 of 2024 is dismissed.

4. Since the prayer sought for in the Writ Petition has already been granted, nothing survives for adjudication in this Writ Petition. Accordingly, the Writ Petition stands closed. There shall be no order as to costs.

(G.J.,J.) (C.K.,J.)
23.02.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm



W.P.(MD).No.30941 of 2023

To

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C.M.D.A. Towers II,
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Chennai - 8.
3. The Deputy Inspector General of Prison,
Madurai Central Prison Campus,
Madurai Range,
Madurai.
4. The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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W.P.(MD).No.30941 of 2023

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