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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.02.2024

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD) No.31215 of 2023

Marudambal

... Petitioner

-VS-

- 1.The State of Tamil Nadu,
represented by
The Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
Fort St.George,
Chennai – 600 009.
- 2.The Director General of Police/Director General of
Prisons and Correctional Services,
CMDA Towers II,
No.1, Gandhi Irvin Road,
Egmore, Chennai.
- 3.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai 625 016.



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4. The Superintendent of Prison,
Madurai Central Prison,
Madurai District 625 016.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the respondents to grant 40 days ordinary leave without escort to the Petitioner's husband by name Kumar @ Palanikumar, son of Samayamuthu (Life Convict Prisoner No.5216), aged about 53 years, confining at Madurai Central Prison to make arrangements for the Petitioner's daughter's marriage, to admit the Petitioner's son in an institution for pursuing his higher education and to admit the Petitioner in a private hospital for undergoing better treatment in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.S.Ravi,
Addl.Public Prosecutor

ORDER

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



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This Writ Petition filed seeking issuance of a Writ of Mandamus to direct the respondents to grant 40 days ordinary leave without escort to the Petitioner's husband by name Kumar @ Palanikumar, son of Samayamuthu(Life Convict Prisoner No.5216), aged about 53 years, confining at Madurai Central Prison to make arrangements for the Petitioner's daughter's marriage, to admit the Petitioner's son in an institution for pursuing his higher education and to admit the Petitioner in a private hospital for undergoing better treatment in accordance with law within the time stipulated by this Court.

2.Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3.When the matter is taken up for hearing today, the learned Additional Public Prosecutor appearing for the respondents submitted that pending Writ Petition, the Additional Superintendent of Prisons, Department of Prisons and Correctional Services, Madurai Range, Madurai, had rejected the request of the Petitioner to grant ordinary leave to the Petitioner's husband vide order, dated 5.1.2024.



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4.In the light of the above facts, the Prayer sought for in the writ Petition has become infructuous.

5.Accordingly, the Writ Petition is dismissed as infructuous. There is no order as to costs. Liberty is given to the Petitioner to challenge the above said rejection order, in the manner known to law, if so advised.

[G.J.,J.] [C.K.,J.]

26.02.2024

NCS : Yes/No
Index : Yes / No
Internet : Yes / No
vsn

To:

- 1.The Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
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Chennai – 600 009.
- 2.The Director General of Police/Director General of
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Egmore, Chennai.

3. The Deputy Inspector General of Prisons,
Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai 625 016.
4. The Superintendent of Prison,
Madurai Central Prison,
Madurai District 625 016.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

vsn

ORDER MADE IN
W.P.(MD) No.31215 of 2023

26.02.2024