



W.P.Crl(MD)No.1253 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 04.09.2025

CORAM:

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN

W.P.Crl(MD)No.1253 of 2025

S.Nahendran

... Petitioner

-Vs-

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department (Prisons),
Secretariat, Fort St.George,
Chennai- 600 009.
2. The Deputy Inspector General of Prison,
Madurai Range,
O/o. DIG of Prisons,
Madurai-625 020
3. The Superintendent of Police,
Central Prison,
Trichy.
- 4.The Inspector of Police,
Thenkarai Police Station,
Thenkarai, Periyakulam,
Theni District.
- 5.Superintendent of Police,
Dindigul District.

... Respondents

[5th respondent is suo motu impleaded by this Court in W.P.Crl(MD)No.1253 of 2025 vide order dated 04.09.2025 by ASMJ & CKJ]



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondent No.3 to grant emergency leave to the petitioner's brother namely, Azhaguraja, S/o.Late Selvam(CP.No.377115) now confined at Central Prison, Trichy on parole for a period of 7 days to participate in the 11th and 12th day ritual of his father which is scheduled to be held on 08.09.2025 to 10.09.2025 by considering the petitioner's representation dated 31.08.2025 within the time stipulated by this Court.

For Petitioner : Mr.A.V.Saha
for M/s.A.Karthick Kumar

For Respondents : Mr.T.Senthilkumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by DR.ANITA SUMANTH, J.)

The petitioner seeks a mandamus directing the third respondent, Superintendent of Police, Central Prison, Trichy to grant emergency leave to his brother one Azhaguraja, son of Late Selvam(CP.No.377115) who is confined presently at Central Prison, Trichy on parole for a period of 7 days to participate in the 11th and 12th day rituals of their father scheduled between 8th to 10th September, 2025. The petitioner had also made a representation dated 31.08.2025.



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2. When the matter is called today, Mr.T.Senthilkumar, learned Additional Public Prosecutor appearing for the respondents hands over a copy of the order dated 04.09.2025 rejecting the representation of the petitioner for the reason that the Rules do not enable the consideration of the petitioner's request. Undoubtedly, he was entitled for leave of one day for the bereavement of his father which he had chosen not to avail. Hence, there is no provision / Rule which would enable the consideration of the leave now sought.

3. Having considered the submissions of the parties and since the reason for which the emergency leave is sought, is to attend the ceremonies in connection with the demise of their father, the petitioner's brother, Azhaguraja, son of Late Selvam (CP.No.377115) is permitted to leave the Central prison, Trichy, with sufficient escort at 06.00 a.m on 08.09.2025 (Monday) and shall be report back to the Superintendent of Prison, Central Prison, Trichy, before 6.00 p.m., on 08.09.2025. The escort charges shall be borne by the petitioner and if necessary, the same shall be adjusted from the income earned by the convict prisoner during the imprisonment period.

4. According to Mr.T.Senthilkumar, learned Additional Public Prosecutor the



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escort service shall be provided by the Superintendent of Police, Dindigul as the
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petitioner and his family are residents of Dindigul. Hence the Superintendent of
Police, Dindigul District, is suo motu impleaded in this writ petition as R5 for whom
Mr.T.Senthilkumar, learned Additional Public Prosecutor takes notice.

5.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-
04/09/2025

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04/09/2025
Sub-Assistant Registrar
Madurai Bench of Madras High Court,
Madurai - 625 023.

PJL

To

1. The Additional Chief Secretary to Government,
Home, Prohibition and Excise Department (Prisons),
Secretariat, Fort St.George,
Chennai- 600 009.
2. The Deputy Inspector General of Prison,
Madurai Range,
O/o. DIG of Prisons,
Madurai-625 020
3. The Superintendent of Police,
Central Prison,
Trichy.



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4.The Inspector of Police,
Thenkarai Police Station,
Thenkarai, Periyakulam,
Theni District.

5.Superintendent of Police,
Dindigul District.

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

ORDER
IN
W.P.Crl(MD)No.1253 of 2025
04.09.2025

NM/04.09.2025/5P/7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.