



W.P.(MD) No.30032 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED : 10.02.2025

CORAM:

THE HONOURABLE **DR.JUSTICE G.JAYACHANDRAN**

AND

THE HONOURABLE **MS.JUSTICE R.POORNIMA**

W.P.(MD)No.30032 of 2024

Azhagar

... Petitioner

-Vs-

1. The State Represented by
The Principal Secretary to Government,
Home, Prohibition and Excise (Prison - IV) Department,
Fort St. George,
Chennai - 600 009.
 2. The Director General of Prisons,
O/o. Tamil Nadu Prison Headquarters,
Whannels Road,
Egmore, Chennai - 600 008.
 3. The Deputy Inspector General Of Prisons,
Madurai Range,
Central Prison Campus,
Madurai 625 016
 4. The Superintendent of Prisons,
Central Prison, Madurai - 625 016.
 5. The Superintendent of Police,
District Police Office,
Dindigul 624 001.
- ... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the Impugned order passed by the 4th respondent vide his proceedings in No. 532582/ThaKu. 2/2024, dated 27.11.2024 and quash the same as illegal and void and then consequently grant 10 days leave with police escort to petitioner's brother Selvakumar, S/o. Pandithevar (C.P.No. 6029), confined at Central Prison, Madurai forthwith considering the representation dated 23.11.2024.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

The petitioner herein has sought for 10 days leave with police escort for his brother, namely, Selvakumar, who is confined at Central Prison, Madurai, as a life convict. His request was rejected by prison authorities citing that there are five cases pending against the convict and that Special Leave Petition (SLP) filed against the order passed by the High Court converting death sentence into life imprisonment is also pending. The said order is impugned in this writ petition on the ground that pendency of SLP cannot be a reason to reject the leave and the five cases mentioned in the impugned order are not pending, which all ended in acquittal.



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2. On notice, the fourth respondent has filed counter stating that though those cases have already been ended in acquittal, there are two more cases pending against the convict, which are pending trial and it is also stated that the brother of the petitioner has involved in prison offence, while he was in jail.

3. This Court finds that the impugned order suffers from non application of mind. True facts have not been properly reflected in the impugned order. Therefore, for the said reason, the impugned order dated 27.11.2024 is liable to be quashed and accordingly, the same is quashed. The prison authorities are hereby directed to consider the representation of the petitioner afresh and pass orders within a period of three weeks from the date of receipt of a copy of this order. If the petitioner wants to give any further information in support of his contention, he is at liberty to do so.

4. With the above direction, this writ petition is disposed of. No costs.

[G.J., J.] & [R.P., J.]
10.02.2025

NCC : Yes / No
Index : Yes / No
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DR.G.JAYACHANDRAN, J.

AND

R.POORNIMA, J.

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To

1. The Principal Secretary to Government,
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Order made in
W.P.(MD)No.30032 of 2024

Dated:
10.02.2025