



W.P.Crl.(MD) No.1 of 2026

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2026

CORAM:

THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN  
and  
THE HONOURABLE MS.JUSTICE R.POORNIMA

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Illayaperumal

... Petitioner

-VS-

1. The Home Secretary  
Home Department(Prison)  
Secretariat, Fort St. George,  
Chennai- 600 009.

2. The Deputy Inspector General of Prisons  
Madurai Range,  
Madurai- 625 001

3. The Superintendent of Prison  
Central Prison,  
Palayamkottai.

4. The Inspector of Police  
Thachanallur Police Station  
Tirunelveli District

..Respondents

**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 proceedings in No.863/Utha.2/2025 issued by the second respondent dated 18.08.2025 quash the same and consequently direct the third respondent to



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grant 28 days ordinary leave without escort to the petitioner's brother Mayandi,  
S/o.Sudalai Muthu, PID No.21379.

For Petitioner : Mr.P.M.Bazil

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

### **ORDER**

**[Order of the Court was made by G.K.ILANTHIRAIYAN, J.]**

The prayer in the petition is to quash the impugned order passed by the second respondent in No.863/Utha.2/2025 dated 18.08.2025 and consequently direct the third respondent to grant 28 days ordinary leave without escort to the petitioner's brother Mayandi, S/o.Sudalai Muthu, PID No.21379.

2.The brother of the petitioner is a convict and he has been convicted for the offences under Sections 302, 396 and 447 of IPC and sentenced to undergo life imprisonment in S.C. No.135 of 2014 by the II Additional Sessions Court, Tirunelveli on 23.03.2016 which was also confirmed by this Court in Crl.A(MD) No.30 of 2017 by judgment dated 16.03.2017 and also confirmed by the Hon'ble Supreme Court. The brother of the petitioner is languishing in jail for more than nine years. While being so, the petitioner being brother of the convict submitted application seeking



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ordinary leave for a period of 23 days. however the said request was rejected on the ground that the brother of the petitioner is not eligible for ordinary leave as per Rule 21(b) of the Tamil Nadu Suspension of Sentence Rules, 1982.

3. The learned counsel appearing for the petitioner would submit that the petitioner has sought leave for execution of partition deed between the brothers.

4. The learned Additional Public Prosecutor would submit that the petitioner's brother may be granted emergency leave since he was not eligible for ordinary leave on the ground that he was convicted for the offence under Section 396 of IPC.

5. In view of the same, this Court does not find any infirmity or illegality in the order passed by the second respondent and hence the petition stands dismissed. However if the petitioner submitted any document for partition of their family property before the concerned Registering authority and obtain permission to register the document before the concerned registering authority he can very well approach the second respondent seeking emergency leave for three days. On receipt of such application if any filed the



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second respondent is directed to consider the same after verifying the records submitted by the petitioner in accordance with law.

**[G.K.I., J.]      [R.P., J.]**

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NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No  
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To:

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Secretariat, Fort St. George,  
Chennai- 600 009.

2. The Deputy Inspector General of Prisons  
Madurai Range,  
Madurai- 625 001

3. The Superintendent of Prison  
Central Prison,  
Palayamkottai.

4. The Inspector of Police  
Thachanallur Police Station  
Tirunelveli District

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



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**and**  
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