

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :: 3.6.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.13588 of 2015

N.Muthusamy

... Petitioner

versus

- 1.The State of Tamil Nadu, rep. by
Secretary to Government,
Home (Prison) Department,
Fort St.George, Chennai 9
- 2.The Additional Director General of Prison,
CMDA Tower II,
Egmore, Chennai 8
- 3.The Inspector General of Prison,
Trichy Range, Trichy
- 4.The Superintendent of Prison,
Central Prison,
Cuddalore District

... Respondents

Writ Petition filed under Art.226 of the Constitution of India praying for a Writ of Mandamus directing the 2nd respondent to grant ordinary leave for one month to the petitioner by considering the petitioners representation dated 04.03.2015.

For petitioner

Mr.I.C.Vasudevan

For respondents

Mr.V.Subbiah, Spl.G.P.

O R D E R

By consent of both sides, the main Writ Petition itself is taken up for consideration.

2. The petitioner is a life convict, and was convicted by the Principal Sessions Judge, Erode, and he is presently lodged at Central Prison, Cuddalore. According to the petitioner, he has been

suffering from severe eye problem even from his childhood and he has undergone surgery in both eyes at Vijaya Eye Hospital, Chennai, in the year 1995. But he was not fully recovered. Doctors had also advised him to undergo another surgery in the year 2008, but due to reasons beyond his control, the petitioner was unable to undergo the said surgery.

3. The petitioner developed a series of complications in his right eye and prayed the respondents to grant him ordinary leave for one month, by submitting a representation dated 26.6.2014. Since there was no response from the respondents, he filed Writ Petition in W.P.No.27009 of 2014, which was allowed on 6.11.2014, directing the respondents herein to grant emergency leave to the petitioner to undergo cataract eye surgery and for such other treatment for the eyes, as are necessary. The respondents were also directed to grant at least ten days leave. The petitioner availed the said leave and undergone surgery on the right eye. Subsequently, he developed complications in the left eye and accordingly, he submitted a representation praying for necessary permission to go undergo surgery. Since he is not favoured with any reply, come forward with this Writ Petition.

4. Mr.I.C.Vasudevan, learned counsel for the petitioner has drawn the attention of this Court to the medical report given by Vasan Eye Care Hospital, Coimbatore, wherein it has been stated among other things, that the petitioner is also advised to undergo left eye cataract surgery by means of phacoemulsification technique and come prepared with at least one month leave for post operative care, as left eye is the only seeing eye. Hence the learned counsel for the petitioner prays that appropriate orders may be passed to the respondents.

5. Heard the submissions of Mr.V.Subbiah, Spl.G.P., who accepts notice on behalf of the respondents.

6. It is not in dispute that the petitioner has undergone surgery in his right eye. The medical report dated 28.1.2015 given by Vasan Eye Care Hospital would also disclose that he has been advised to undergo left eye cataract surgery by adopting a particular technique and it has also been indicated that he must be on leave for post operative care at least for one month, as the left eye is the only seeing eye.

7. In the light of the above, this Court directs the ***first** respondent to consider and dispose of the representation dated 4.3.2015, in accordance with law, by taking into consideration the above said report and pass orders as expeditiously as possible and in any case, not later than two weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

8. The Writ Petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar(CO)
Dated : 04.06.2015

***Corrected as per order
dated 07.07.2015
Sd/- Assistant Registrar
DATED : 10.09.2015**

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
Home (Prison) Department,
Fort St.George, Chennai 9

2.The Additional Director General of Prison,
CMDA Tower II,
Egmore, Chennai 8

3.The Inspector General of Prison,
Trichy Range, Trichy

4.The Superintendent of Prison,
Central Prison,
Cuddalore District

+ 1 cc to Mr.I.C.Vasudevan, Advocate SR 34095
+ 1 cc to Govt.Pleader SR 26531

To be substituted
to the order already
despatched on
05.06.2015

tej(co)
prk4/6
CA(10/07/2015)

W.P.No.13588 of 2015

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