

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.11.2015

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.30153 of 2015

A.Aruna

.. Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by the Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Superintendent of Prison,
Central Prison-1,
Puzhal, Chennai-600 066.

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to provide escort enabling the petitioner's husband Mr.Somu alias Somasundaram, Son of Subramani, Ct.No.571 now confined in Central Prison-I, Puzhal, Chennai 600 066, to avail of leave already granted by respondent No.2 to him.

For Petitioner : Mr.P.Pugalenth

For Respondents: Mr.C.Emalias,
Additional Public Prosecutor.

ORDER

This Writ Petition has been filed by the petitioner to issue a Writ of Mandamus, directing the respondents to provide escort enabling the petitioner's husband Mr.Somu alias Somasundaram, Son of Subramani, Ct.No.571 now confined in Central Prison-I, Puzhal, Chennai 600 066, to avail of leave already granted by respondent No.2 to him.

2. The petitioner is a practising advocate. During the year 2001, her husband namely Somasundaram @ Somu was arrested in connection with a murder case and on 19.04.2004, he was convicted in S.C.No.87 of 2003 for the offences punishable under Section 302 of I.P.C. and he was sentenced to imprisonment for life by the learned Additional Sessions (Fast Track Court No.1) at Chennai. She further submits that since from the year 2001 onwards her husband is in prison, he has already completed more than 13 years of imprisonment. The

petitioner is a heart patient. The petitioner now needs a medical treatment. Hence, the petitioner's husband made an application dated 26.08.2015 to the respondent No.2 for grant of emergency leave for three days for the purpose of making arrangements for the petitioner's treatment. The second respondent has allowed the said application and grant three days emergency leave for her husband. But the respondents have not provided any escort. Therefore, he was not in a position to avail the said leave. Hence, she came forward to file the present writ petition.

3. I have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Considering the submissions made on either side, this Court directs the petitioner to give a representation to the 2nd respondent within a period of one week from the date of receipt of a copy of this order along with the copy of this order and on receipt of the same, the 2nd respondent is directed to consider the said representation and pass appropriate orders on merits and in accordance with law within a period of two weeks thereafter.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

vs/vsm

To

1.The Secretary,
Government of Tamil Nadu,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Superintendent of Prison,
Central Prison-1,
Puzhal, Chennai-600 066.

+ 1 cc to Mr.Government Pleader Sr.62651

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VSN(CO)
EU 14.12.15