



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:22.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH

W.P(MD)No.12015 of 2015

WEB COPY

Kilakathiyar

... Petitioner

Vs.

1.State of Tamil Nadu,
Rep. by the Principal Secretary to Government,
Home (Prison V) Department,
Secretariat, Fort St George, Chennai.

2.The Additional Director General of Prison,
Egmore, Chennai -600008.

3. The Superintendent of Police,
Central Prison,
Palayamkottai.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the third respondent to release the petitioner's son namely Muthumariyappan (C.P.No.3323) from the Central Prison, Palayamkottai on Parole for 10 days for perform his marriage with Mariya Emmimal Ragal.

For Petitioner : Mr.S.Ramasamy

For Respondents : Mr.M.Murugan
Government Advocate

O R D E R

This writ petition has been filed seeking for the issuance of Writ of Mandamus, directing the third respondent to release the petitioner's son namely Muthumariyappan (C.P.No.3323) from the Central Prison, Palayamkottai on Parole for 10 days for perform his marriage with Mariya Emmimal Ragal.

2. Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3. The petitioner's son by name Muthumariyappan is a convict. Seeking parole for the petitioner's son on the ground of proposed marriage, the present writ petition has been filed.

4. In the counter affidavit filed by the Superintendent of Prison, Central Prison, Palayamkottai, the following stand has been taken;

" Further, it is submitted that Maria Emiammal Rahel has proposed to marry the convict prisoner CT 3323 Muthumariyappan and therefore request to grant leave for 10 days for their marriage. As per Suspension of Sentence Rules, 1982 Act the convict prisoner is not eligible to ordinary leave for their marriage since he has not completed three years of conviction period. A reply in



this regard, has been sent to the petitioner Selvi.J.Maria Emiammal Rahel vide this office letter No. 4599/R2/15, dated 15.07.2015. It is submitted and suggested that on receipt of invitation for their proposed marriage, the CT 3323 Muthumariappan, S/o. Kilakathian may be allowed three days emergency leave with Police escort on the recommendation of Probation Officer as well as Police report and as per the powers vested with the Superintendent of Prisons."

5. As there is an embargo imposed by the Tamilnadu Suspension of Sentence Rules, 1982, the prayer sought for cannot be granted. However, considering the submission of the third respondent in the counter affidavit that the petitioner's son may be granted three days of emergency leave with police escort, the third respondent is directed to take proper steps including of recommendation of the probation officer as well as the police report. Based upon the same, the petitioner's request for three days emergency leave may be considered.

6. The entire exercise will have to be done within a period of two weeks from the date of receipt of a copy of this order.

7. With the above direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(T&P)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
State of Tamil Nadu,
Home (Prison V) Department,
Secretariat, Fort St George,
Chennai.

2.The Additional Director General of Prison,
Egmore,
Chennai.

3. The Superintendent of Police,
Central Prison,
Palayamkottai.

+1cc to Mr.S.Ramasamy, Advocate SR.No.40164

+1cc to Special Govt.Pleader SR.No.40867

W.P (MD) No. 12015 of 2015
22.07.2015

PJL

PA/PRV/24.07.2015/2P/6C (IT)