



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 20.08.2015

CORAM:

THE HONOURABLE MS. JUSTICE R.MALA

W.P(MD)No.13593 of 2015

Kaleeswaran

... Petitioner

Vs.

1. The Additional Director General of Police
(Prisons),
Gandhi Irwin Road,
Egmore,
Chennai.

2. The Superintendent of Central Prison,
Central Prison,
Trichy.

... Respondents

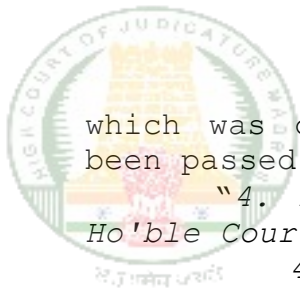
Prayer:Writ Petition is filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus to direct the respondents to grant 20 days leave (parole) to the petitioner's son viz., Mangalanathadurai, who is undergoing sentence as life convict in Central Prison, Trichy to make arrangements for providing necessary medical treatment to his mother viz., Poomayil.

For Petitioner : Mr.P.T.Ramesh Raja
For Respondents : Mr.D.Muruganandam
Additional Government Pleader

O R D E R

This Writ Petition has been filed seeking for the issuance of a Writ of Mandamus to direct the respondents to grant 20 days leave (parole) to the petitioner's son viz., Mangalanathadurai, who is undergoing sentence as life convict in Central Prison, Trichy to make arrangements for providing necessary medical treatment to his mother viz., Poomayil.

2. The learned counsel for the petitioner submitted that the petitioner has come forward with this petition for granting of 20 days leave to his son Mangalanathadurai, who is arrayed as an accused in Crime No.635 of 1998 on the file of Sivagangai City Police Station and he has been convicted for life sentence in S.C.No.97 of 1999, stating that already one year has been passed and subsequently, it was confirmed by this Court in C.A.No.823 of 2002, against which he preferred Special Leave Petition, which is pending before the Apex Court. He would further submit that this petitioner is suffering from old age disease and his wife also suffering from heart ailment and the doctor advised her to undergo surgery immediately. Hence, his son's presence is necessary to mobilise funds. He also filed a writ Petition in W.P.(MD)No.11477 of 2015



which was disposed of on 07.07.2015, in which the following order has been passed.

"4. I submit that the said writ petition was disposed of by this Hon'ble Court by an order dated 07.07.2015 with the following direction;

4. Considering the same, the petitioner is at liberty to make an application to the Superintendent of Central Prison, Trichy. As and when such application is made, such authority will forward the application along with his recommendations to the concerned authority at Madurai, who in turn shall consider the same and pass appropriate orders on merits and in accordance with law under the Tamil Nadu suspension of sentence Rules 1982 within a period of four weeks from the date of receipt of a copy of this order."

3. The learned counsel for the petitioner further submitted that on the direction of this Court, the petitioner has sent a representation on 27.07.2015, but no order has been passed. Hence, he approached this Court at this juncture.

4. The learned Additional Government Pleader would submit that they are not complied with the order and passed an order on 04.08.2015, since the appeal is pending before the Apex Court. Hence, the petitioner's son is not eligible for availing emergency leave and ordinary leave which was evidenced by the additional typed set filed by the petitioner.

5. In such circumstances, I am of the view, the petitioner is at liberty to file a separate application for challenging that order. Hence, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(Per.Admn)

/True Copy/

Sub Assistant Registrar

akv

To

1. The Additional Director General of Police
(Prisons),
Gandhi Irwin Road,
Egmore,
Chennai.
2. The Superintendent of Central Prison,
Central Prison,
Trichy.
3. The Special Government Pleader
Madurai Bench of Madras High Court,
Madurai.

GJM/AN/MP/2.9.15-2P-4C

W.P (MD) No.13593 of 2015
20.08.2015