

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P. No.22238 of 2016

P.Lalitha

Petitioner

Vs

1.The Home Secretary
Tamil Nadu (Prisons)
Secretariat
Chennai 9.

2.The Deputy Inspector General
of Prison
CMDA Tower-II
No.1, Gandhi Erwin Road
Egmore, Chennai -8.

3.The Superintendent of Prison
Cuddalore Central Prison
Cuddalore.

Respondents

Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents to grant leave to the petitioner's husband Pitchamoorthy (C.T.No.12158) who is confined in Central Prison, Cuddalore for a period of 12 weeks to enable him to attend the marriage of his second daughter by name Miss Vasanthi to be conducted on 11.07.2016 to perform his rites as a father.

For petitioner : Mr.V.Kasinatha Bharathi

For Respondents : Mr.C.Emalias
Addl.Public Prosecutor

O R D E R

The petitioner's husband-Pitchamoorthy, is a life convict (C.T.No.12158) and is confined in Central Prison, Cuddalore. While so, his daughter's wedding is slated to be held on 11.07.2016 and therefore, his wife has approached this Court for 12 weeks ordinary leave, to enable him to attend his daughter's wedding.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the State.

3. On instructions from the Superintendent of Prisons, Central Prison, Cuddalore, learned Additional Public Prosecutor submitted that the petitioner's husband has availed enough leave, both ordinary and emergency for the year 2016 and that he will be entitled to the next spell of ordinary leave only from 18.07.2016 and not before that. However, the petitioner's husband has given a representation stating that his mother Muthulakshmi is seriously indisposed and has sought emergency leave from the authorities, which is likely to be favourably considered after receipt of the Probation Officer's Report. It is seen that the track record of Pitchamoorthy is not bad, inasmuch as every time he has been released on leave, he has returned to the prison promptly. Under such circumstances, the Superintendent of Prisons, Central Prison, Cuddalore is directed to sympathetically consider the leave application of Pitchamoorthy and pass orders expeditiously in accordance with law before 09.07.2016.

With the above direction, this petition is disposed of.
No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

gms

To

1.The Home Secretary
Tamil Nadu (Prisons)
Secretariat, Chennai 9.

2.The Deputy Inspector General of Prison
CMDA Tower-II
No.1, Gandhi Erwin Road
Egmore, Chennai -8.

3.The Superintendent of Prison
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+ 2 ccs to Mr.V Kasinatha Bharathi, Advocate Sr.37315

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LRS (CO)

En 4.7.16

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