

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.271 of 2016

Smt.S.Santhi

... Petitioner

Vs.

1.The State rep by its
Secretary to Government of Tamil Nadu
Department of Home
Fort St.George, Chennai - 600 009.

2.The Additional Director General of Prison,
C.M.D.A.Towers,
Egmore, Chennai - 600 008.

3.The Superintendent
Central Prison,
Vellore - 2.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the petitioner representation dated 27.03.2015 and 26.12.2015 in light of proceedings No.14026/ பி.எஸ்.4 /15 dated 07.04.2015 passed by the 2nd respondent thereby direct the respondent's to grant leave for 30 days to the petitioner son the detainee S.Kannan son of thiru Sekar aged about 31 years convict No.1049 detained at Central Prison, Vellore.

For Petitioner : Mr.B.Sundarapandiyan

For Respondents : Mr.P.Sanjay Gandhi

Additional Government Pleader

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O R D E R

By consent, the writ petition is taken up for final disposal.

2.The present writ petition has been filed seeking a Mandamus directing the respondents to consider the petitioner's representation dated 27.03.2015 and 26.12.2015 in the light of proceedings No.14026/ பி.எஸ்.4 /15 dated 07.04.2015 passed by the 2nd respondent thereby, direct the respondents to grant leave for

30 days to the petitioner's son, the detainee S.Kannan son of Thiru.Sekar, aged about 31 years, convict No.1049 detained at Central Prison, Vellore.

3.In the petition it is stated that the petitioner's son is the earning person in the family and he is an accused in Crime No.111 of 2008 and presently, he is confined in Central Prison, Vellore and is undergoing life imprisonment. Whiles, the petitioner's husband suffered heart problem and is also suffering from various age diseases and he was advised by the Doctors to undergo treatment and in order to save his life he is admitted in CMC Hospital, Vellore. The petitioner is the lonely woman to take care of her husband for which she depends upon her son.

4.It is the case of the petitioner that if her son is allowed to come out on leave from prison for a period of 30 days, it will be of moral support to her. Hence, she made a representation to the respondents 2 and 3 and the second respondent forwarded the proceedings in proceedings No.14026/பிஎஸ்.4/15 dated 07.04.2015 to the third respondent, but no order was passed. Hence, the petitioner sent a reminder dated 26.12.2015 to the respondents 2 and 3 and since the same is pending, the petitioner has come forward with this petition.

5.Heard the submissions of the learned counsel appearing for the petitioner and the learned Additional Government Pleader.

6.This Court without going into the merits of the claim made by the petitioner, directs the second respondent to consider the representation of the petitioner dated 27.03.2015 and the reminder dated 26.12.2015 on merits and in accordance with law and pass appropriate orders with regard to granting of leave for 30 days to the petitioner's son, the detainee S.Kannan, Son of Thiru.Sekar aged about 31 years, convict No.1049, detained at Central Prison, Vellore, within a period of two weeks from the date of receipt of a copy of this order.

7.It is made clear that this Court has not expressed any of views with regard to the merits of the claim of the petitioner and it is for the second respondent to consider the representation purely on merits. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government of Tamil Nadu
Department of Home
Fort St.George, Chennai - 600 009.

2.The Additional Director General of Prison,
C.M.D.A.Towers,
Egmore, Chennai - 600 008.

3.The Superintendent
Central Prison,
Vellore - 2.

+1 cc to Mr.B.Sundarapandiyan Advocate vide sr.1206

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