

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.09.2016

CORAM:
THE HON'BLE MR. JUSTICE P.N. PRAKASH

W.P. No.30985 of 2016

K. Rajendran

Petitioner

vs.

1 The State of Tamil Nadu
represented by its Secretary
Home Department
Fort St. George, Chennai 600 009

2 The Superintendent of Prison
Central Prison – I
Puzhal, Chennai 600 006

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the second respondent to grant emergency leave to the petitioner viz., K. Rajendran, S/o Kanniyappan, aged about 55 years, now confined in Central Prison, Puzhal-I, Chennai as life convict No.1339 for three days from 07.09.2016 to 09.09.2016 for attending, preparing and doing his customs obligation as per Hindu customs to the petitioner's mother final obsequies which is going to be held on 07.09.2016 night and 08.09.2016 morning.

For petitioner	Mr.S. Ramajayam
	for Mr. S. Senthamilselvan
For respondents	Mr. C. Emalias
	Additional Public Prosecutor

ORDER

This writ petition is filed seeking a writ of mandamus directing the second respondent to grant emergency leave to the petitioner viz., K. Rajendran, now confined in Central Prison, Puzhal-I, Chennai as life convict No.1339 for three days from 07.09.2016 to 09.09.2016 for performing final obsequies of his mother.

2 The petitioner is a life convict serving life sentence in Puzhal Prison. His mother breathed her last on 29.08.2016 and he was released on emergency leave for three days. Thereafter, the petitioner has come up with the present writ petition seeking further emergency leave for performing religious rites, as he being the eldest son in the family.

P.N. PRAKASH, J.

cad

3 The learned Additional Public Prosecutor, on instructions, submits that this petitioner has exhausted four spells of emergency leave for 2016 and that he was also granted emergency leave in connection with his mother's demise.

4 Taking into consideration, the facts and circumstances of the case, this Court is of the considered view that it will be in the interest of justice, if the petitioner is permitted to perform the religious rites on 08.09.2016, with escort.

5 Accordingly, the second respondent is directed to permit the petitioner to visit his residence with police escort on 08.09.2016. He shall be permitted to leave the prison on the morning of 08.09.2016 and shall return back to prison by 6.00 p.m. on the same day.

With the above directions, this writ petition stands disposed of. Costs made easy.

06.09.2016

cad

Note to Office: Issue order copy today

To

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

2 The Superintendent of Prison
Central Prison – I
Puzhal, Chennai 600 006

3 The Public Prosecutor, Madras High Court
Chennai 600 104

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