

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.09.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P.No.32862 of 2016

Rajani

... Petitioner

Vs

1. The State of Tamil Nadu,
rep.by Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George, Chennai - 9.
2. The Deputy Inspector General of Prison
Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Central Prison,
Coimbatore, Coimbatore - 18.
4. The Inspector of Police,
Gudalur Police Station,
Nilgiris District.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for direction or order in the nature of a Writ of Mandamus directing the respondents to release the petitioner's husband/detenu A.Asaithambi son of Angappan to perform the last rituals for the death of the detenu's mother namely Siriyapushpam, wife of Angappan for a period of one week in parole/emergency leave forthwith.

For Petitioner : Mr.M.Karunanithi

For Respondents : Mr.R.Jayaprakash Narayanan,
Special Government Pleader

O R D E R

This petition has been filed seeking a Writ of Mandamus directing the respondents to release the petitioner's husband/detenu A.Asaithambi son of Angappan to perform the last rituals for the death of the detenu's mother namely Siriyapushpam, wife of Angappan for a period of one week in parole/emergency leave forthwith.

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

3. The petitioner's husband Asaithambi has been detained under Section 2(f) of the Tamil Nadu Prevention of Dangerous Activities of Bootleggers, Drug Offenders, Goondas, Immoral Traffic Offenders and Slum-Grabbers, Act, 1982 (for brevity "Act 14 of 1982"), challenging which the petitioner has filed H.C.P. No. 1345 of 2016, which is pending on the file of this Court.

4. While so, Asaithambi's mother passed away on 15.09.2016 and therefore, a representation has been given by the petitioner on 15.09.2016 to the Superintendent of Prison, Central Prison, Coimbatore, seeking permission for Asaithambi to attend his mother's funeral, on which no orders have been passed.

5. When a Habeas Corpus Petition is pending before a Division Bench of this Court, this Court cannot interfere and pass orders in this writ petition, as prayed for by the petitioner. Liberty is given to the petitioner to immediately move the Division Bench seeking appropriate relief in the light of Section 15 of the Act 14 of 1982.

6. With the above observations, this writ petition stands closed. No costs.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

dpq/gms

To

1. The Secretary to Government
Home, Prohibition and Excise Department,
Fort St.George,
Chennai - 9.

2. The Deputy Inspector General of Prison
Egmore,
Chennai 600 008.

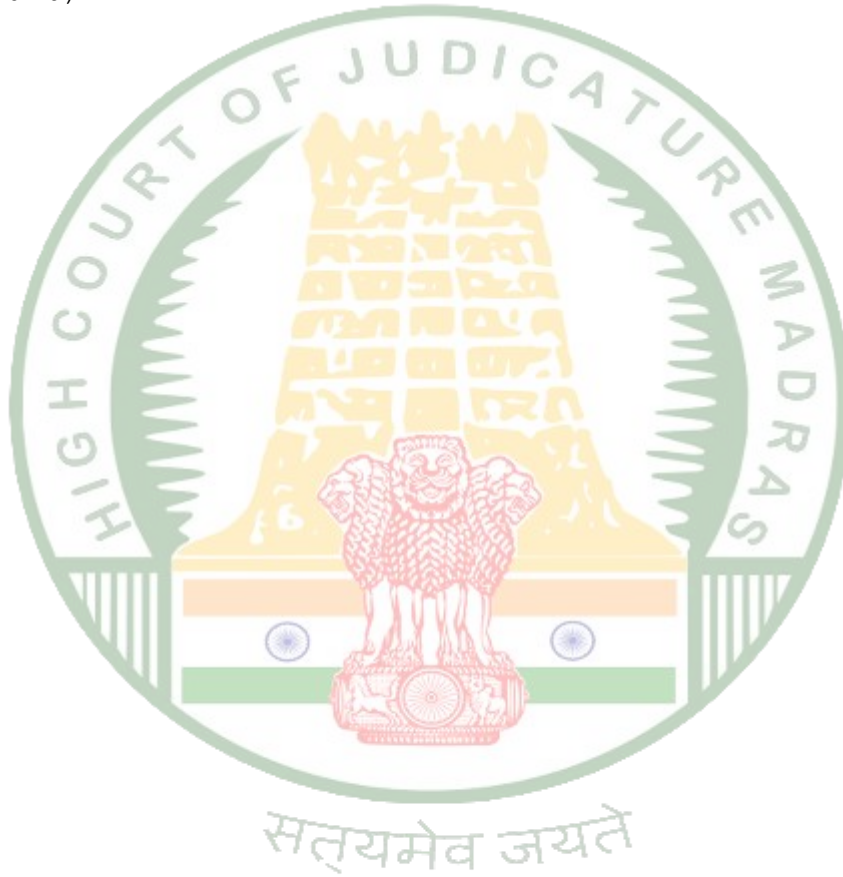
3. The Superintendent of Prison,
Central Prison,
Coimbatore,
Coimbatore - 18.

4. The Inspector of Police,
Gudalur Police Station,
Nilgiris District.

+1cc to Mr.C.Prabakaran, Advocate, S.R.No.52960

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