



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.06.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.11505 of 2016

WEB COPY

Beaule Jayageetha

... Petitioner

-vs-

1. State of Tamil Nadu,
Represented by the Secretary to Govt.,
Home (Prison-IV) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2. The Superintendent of Central Prison,
Palayamkottai, Tirunelveli District.

3. The Sub-Inspector of Police,
Kuzhithurai, Kanyakumari District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the 2nd Respondent to grant 3 days Parole leave from 05.07.2016 to 07.07.2016 to the petitioner's husband Paulraj, S/o.Thangaraj, who has been detaining in Central Prison, Palayamkottai for attending his house warming ceremony function scheduled on 06.07.2016 at 09.30am at Mampalli Thottam, Vettuvani, Marthandam, Kanyakumari District.

For Petitioner : Mr.M.R.Sreenivasan

For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

The writ petition has been filed for issuance of a Writ of Mandamus, directing the 2nd Respondent to grant three days parole from 05.07.2016 to 07.07.2016 to the petitioner's husband Paulraj, S/o.Thangaraj, who has been detained in Central Prison, Palayamkottai for attending his house warming ceremony function scheduled on 06.07.2016 at 09.30am at Mampalli Thottam, Vettuvani, Marthandam, Kanyakumari District.

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

3. Learned counsel for the petitioner has submitted that the husband of the petitioner, namely, Palraj, is undergoing imprisonment at Central Prison, Palayamkottai, Tirunelveli Distirct, pursuant to his conviction in respect of a case in Crime No.540 of 2001 on the file of the 3rd respondent police herein; that the prisoner's family has decided to conduct house warming ceremony scheduled to be held on 06.07.2016 and made to the 2nd respondent by the petitioner for granting parole to her husband was not acceded to for want of judicial order.



3a. Learned counsel for the petitioner drew the attention of this Court to the provisions of Rule 20(iii) of the Tamil Nadu Suspension of Sentence Rules, 1992 and contended that the petitioner's husband is entitled to avail parole for the reason specified under the Rules.

4. It is appropriate to extract Rule 20 (iii) of the Tamil Nadu Suspension of Sentence Rules, 1992, which reads as under:

"20. Grounds for the grant of ordinary leave:

(i) to (ii)

(iii) construction or repairing the homestead."

5. In view of the above stated position, the 2nd respondent herein / the Superintendent of Central Prison, Palayamkottai, Tirunelveli District is directed to consider the request of the petitioner for grant of parole to her husband and pass orders on the representation, made / to be made by the petitioner on merits and in accordance with law, as expeditiously as possible.

6. With the above direction this Writ Petition is disposed of. No costs.

Sd/

Assistant Registrar(Records)

/TRUE COPY/

Sub Assistant Registrar (CS-I)

To:

1. The Secretary to Govt. of Tamil Nadu,
Home (Prison-IV) Department,
Secretariat, Fort St. George,
Chennai-600 009.
2. The Superintendent of Central Prison,
Palayamkottai, Tirunelveli District.
3. The Sub-Inspector of Police,
Kuzhithurai, Kanyakumari District.

+1cc to M/S.M.R.Sreenivasan, Advocate in SR.No.34155

W.P. (MD)No.11505 of 2016
29.06.2016

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PA/GSV-PM/SAR I/30.06.2016/2P/5C (IT)