



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.07.2016

CORAM:

THE HON'BLE DR.JUSTICE S.VIMALA

W.P(MD) No.12736 of 2016

Kalavathy

... Petitioner

-vs-

1. The Secretary,
Home Department,
Secretariat, Chennai-9.
2. The Deputy Inspector General of Prisons,
Additional Director General Office,
Chennai-8.
3. The Deputy Inspector General of Prison,
Trichy Region, Trichy.
4. The Superintendent of Prison,
Central Prison, Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Certiorarified Mandamus to call for the records pursuant to the 3rd Respondent's impugned order in his proceedings No.920/MU/2016 dated 14.07.2016 and quash the same and consequently direct the 3rd respondent to extend the ordinary leave already granted by the 3rd respondent by his order dated 13.06.2016, which expires on 26.07.2016 for further period of one month on the petitioner's representation dated 11.07.2016 to the petitioner's husband convicted prisoner, namely, C.Raja, S/o.Chelladurai.

For Petitioner : Mr.J.John
For Respondents : Mr.D.Muruganandam,
Addl. Govt. Pleader

O R D E R

This petition has been filed, seeking to quash the order dated 14.07.2016 passed by the 3rd respondent in Proceedings No.920/MU/2016, in and by which, the petitioner's request for extension of leave for one month of the petitioner's husband / convicted prisoner, namely, C.Raja, S/o.Chelladurai. The petitioner also sought a direction to the 3rd respondent to consider extension of one month ordinary leave to her husband.



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

3. Learned Additional Government Pleader would submit that under Rule 22(2) of Tamil Nadu Suspension of Sentence Rules, 1982, a prisoner can be granted an ordinary leave only for a period of one month in one spell and the extension of parole beyond 30 days is not permitted, unless the Government consider it and pass suitable orders.

4. It is not the case of the petitioner that she has already approached the 1st respondent for extension of ordinary leave to her husband and the same was declined. Therefore, this Court is not inclined to usurp the powers of the 1st respondent.

5. Hence, this petition is dismissed. It is open to the petitioner to approach the 1st respondent for the requisite relief in respect of extension of further one month ordinary leave to her husband. No costs.

Sd/-
Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary,
Home Department, Secretariat, Chennai-9.
 2. The Deputy Inspector General of Prisons,
Additional Director General Office,
Chennai-8.
 3. The Deputy Inspector General of Prison,
Trichy Region, Trichy.
 4. The Superintendent of Prison,
Central Prison, Trichy.
- + 1 CC TO M/S.J.JOHN, ADVOCATE IN SR No. 39790
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 39417

AR
TE/SK-SKN/ : 05/08/2016 : 3P/7C