



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED 17.02.2016

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH

WP(MD)No.3409 of 2016

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G.Lalitha Ambigai

..Petitioner

Vs.

1.The Principal Secretary,
Home Department (Prisons)
State of Tamil Nadu,
Secretariat, Fort St.George, Chennai -9.

2.The Additional Director General of Police(Prisons)
cum The Inspector of General of Prisons,
office of ADGP(Prisons)/I.G. Of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore, Chennai.

3.The Superintendent of Prison,
Madurai Central Prison, Madurai District.

..Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus direct the respondents to give extension of 30 days, to the petitioner's husband by name S.Ganesan son of Shanmugam Pillai(C.P.No.3382) in the emergency leave granted to attend her ailing mother-in-law.

For Petitioner	:	Mr.S.Malaikani
For Respondents	:	Mr.D.Muruganandham, Additional Government Pleader

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus directing the respondents to give extension of 30 days, to the petitioner's husband by name S.Ganesan son of Shanmugam Pillai (C.P.No.3382) in the emergency leave granted to attend her ailing mother-in-law.

2.I have heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and I have also perused the records carefully.



3. It is seen that the husband of this petitioner by name S. Ganesan is a life convict (C.P.No.3382) and he has been granted emergency leave by the Superintendent, Central Prison, Madurai from 15.02.2016 to 19.12.2016 on condition that he should surrender on 19.02.2016 at 5.00 p.m. On the very same day i.e. on 15.02.2016, the petitioner has given a representation to the authorities for extension of emergency leave which is preposterous. However, Mr. Malaikani, learned counsel for the petitioner submitted that under Rule 34 of Tamil Nadu Suspension of Sentence Rules, 1982, the Government has power to grant extension.

4. In this Connection, this Court aptly refers to Rule 34 of Tamil Nadu Suspension of Sentence Rules, 1982, which reads as follows:-

“ 34. Extension of emergency leave and procedure:-

If a prisoner released on emergency leave wants extension of the period he may submit a petition for the same to the Government with a copy to the Superintendent of Prisons in good time before expiry of leave and the Government may pass such orders as they deem fit. If orders authorising the extension are not received before the expiry of his emergency leave, the prisoner shall report back to the prison. As soon as a prisoner released on emergency leave surrenders to the prison authorities, his original order of release and the bond executed by him shall become inoperative.

Where a prisoner who is released on emergency leave,

surrenders to the prison authorities before his petition for extension of the period of emergency leave



has been sanctioned, he shall not be released after such surrender without obtaining a fresh release order from the Superintendent of Prisons."

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Section 34 is a self contained Code and it Contemplates that if representation for extension of emergency leave is not disposed of before the day of surrender the prisoner should automatically report back to the prison. This Court cannot issue a direction beyond the scope of Rule 34 Tamil Nadu Suspension of Sentence Rules,1982.

5. Hence, the respondents are directed to dispose of the representation dated 15.02.2016 before 19.02.2016 on merits. As stated above, even if the representation is not disposed of, it is the duty of the prisoner to surrender and to report back to the prison on 19.02.2016 at 5.00 p.m.

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

Sd/-
Assistant Registrar(RTI)

/True Copy/

Sub Assistant Registrar

To

1.The Principal Secretary, Home Department (Prisons)
State of Tamil Nadu,Secretariat, Fort St.George, Chennai -9.

2.The Additional Director General of Police(Prisons)
cum The Inspector of General of Prisons,
office of ADGP(Prisons)/I.G. Of Prisons,
Thalamuthu Natarajar Maaligai, Egmore, Chennai.

3.The Superintendent of Prison,Madurai Central Prison, Madurai Dist.

+1cc to Mr.S.Malaikani, Advocate Sr.No.9260

akm/17.02.2016/2p-5c/SKN/SK/SAR-I

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