



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
DATED 04.08.2016  
CORAM

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

WEB COPY

W.P (MD) No.11063 OF 2013

M.Rajakamalesh

..Petitioner

.vs.

1.The Jail Superintendent,  
Central Prison,  
Madurai.

2.The Inspector of Police,  
Kovilankulam Police Station,  
Ramanathapuram District.

..Respondents.

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus to call for the records relating to the rejection letter in No.5868/TK2/2013 dated 03.05.2013 of the first respondent quash the same and consequently direct the respondents to release the petitioner's father on parole for a period of 15 days from today to take treatment for the petitioner's mother to save her life and pass further orders as this Court may deem fit and proper.

For Petitioner :M/s.V.Jeyarani

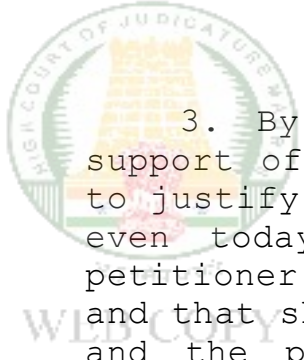
For Respondents :Mr.S.Kumar

Addl.Govt.Pleader.

#### ORDER

The petitioner has filed this Writ Petition for a Writ of Certiorarified Mandamus to call for the records relating to the rejection letter in No.5868/TK2/2013 dated 03.05.2013 of the first respondent and quash the same and consequently, direct the respondents to release the petitioner's father on parole for a period of 15 days from today to take treatment for the petitioner's mother to save her life.

2. It is the case of the petitioner that his father was convicted by this Court in CrI.A.No.451 of 2006 for the offence under Section 302 IPC and that he is confined in the Central Prison, Madurai. It is the further case of the petitioner that he sent a representation to the Jail Superintendent, namely, the first respondent herein for grant of parole on the ground of his mother's ailment due to Acute Gastroenteritis with severe Dehydration. The said representation was rejected by the first respondent herein by an order dated 03.05.2013 and the writ petition has been filed challenging the said rejection order.



3. By going into the averments in the affidavit filed in support of this writ petition, it is not possible for this Court to justify the existence of the cause to pursue the writ petition, even today. However, the learned Counsel appearing for the petitioner submitted that the petitioner's mother is seriously ill and that she has to undergo surgery apart from continuous treatment and the presence of his father is required not only for the purpose of mobilizing the funds, but also for making other arrangements.

4. Considering the medical certificate and the representation of the petitioner submitted to the first respondent, this Court feels that the petitioner's request today is not in tune with the representation of the petitioner already made in an earlier occasion before the first respondent, for grant of parole. However, this Court is inclined to permit the petitioner to submit a fresh representation to the first respondent for grant of parole to his father for the reasons now stated by the Counsel before this Court.

5. Hence, this writ petition is dismissed, with a direction to the first respondent to consider the representation of the petitioner, if any, made for grant of parole to the petitioner's father and pass orders on the same on merits and in accordance with law, within a period of two weeks from the date of receipt of such representation. No costs.

Sd/-  
Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To  
1.The Jail Superintendent,  
Central Prison, Madurai.

2.The Inspector of Police,  
Kovilankulam Police Station,  
Ramanathapuram District.

+1cc to M/s.V.Jeyarani, Advocate SR.No.41970

gsr  
sm:KBM:12.08.2016:2P/4C

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04.08.2016