

THE HONOURABLE SRI JUSTICE RAJA ELANGO

WRIT PETITION No.39845 of 2016

ORDER:

This writ petition under Article 226 of Constitution of India is filed seeking to declare the action of the respondents in not considering the petitioner's representation, dated 06.10.2016, for extension of parole, for a further period of six months from 21.10.2016, as arbitrary and illegal.

The case of the petitioner is that the petitioner was initially released on parole on 04.09.2015 vide G.O.Rt.No.711, Home/Legal Dept., dated 27.08.2015, for a period of one month upto 05.10.2015. The petitioner filed W.P.No.34194 of 2015 before this Court seeking to consider the application of the petitioner for extension of parole period for a period of six months, wherein this Court closed the said W.P. vide orders, dated 03.11.2015, the operative portion of which reads as follows:

“As the freedom of the petitioner is at stake and as the rejection of his request for further extension of his parole gives rise to a fresh cause of action, this Writ Petition is closed leaving it open to the petitioner to take recourse to appropriate remedies in accordance with law, if he is aggrieved by the Memo dated 28.10.2015.”

The petitioner again approached this Court and filed W.P.No.13419 of 2016 to consider the application of the petitioner for extension of parole period, wherein this Court disposed of the said writ petition by observing as follows:

“Considering the facts and circumstances of the case, the first respondent is directed to consider the petitioner's application dated 02.04.2016 and pass appropriate orders on or before 18.11.2016. Till then, petitioner shall not be sent to prison.”

The main grievance of the petitioner is that till now, the 1st respondent has not passed any order on the representation of the petitioner, dated 06.10.2016, even though a direction is given by this

Court in W.P.No.13419 of 2016 to consider the petitioner's application and pass appropriate orders on or before 18.11.2016.

Considering the grievance of the petitioner, the writ petition is disposed of with the following direction:

The petitioner is directed to surrender before the 3rd respondent on or before 15.12.2016 since the time is extended only upto 18.11.2016. After surrender, if the petitioner intend for parole, he is at liberty to file a fresh application to the concerned authority and on such application, the concerned authority is directed to consider the same, in accordance with law. If the petitioner fails to surrender before the 3rd respondent on or before 15.12.2016, the 3rd respondent is at liberty to take appropriate action to secure the petitioner and detain him in the prison to serve the remaining sentence.

Accordingly, the Writ Petition is disposed of. No costs. Pending Miscellaneous Petitions, if any, shall stand closed.

RAJA ELANGO,J

Date: 1st December, 2016

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