

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE R.MAHADEVAN

W.P. No.6994 of 2017

S.Valli

... Petitioner

vs.

- 1.The State of Tamil Nadu,
represented by its Home Secretary,
Secretariat,
Fort St. George, Chennai - 600 009.
 - 2.The Additional Director General of Police (Prisons)
Office of the Director General of Police (Prisons)
CMDA Tower (ii), No.1 Gandhi Irwin Road,
Egmore, Chennai - 600 008.
 - 3.The Superintendent of Prisons,
Office of the Superintendent of Prisons,
Central Prison, Puzhal,
Chennai - 600 066.
- Respondents

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus to direct the respondent to grant 7 days leave to the petitioner's son Mr.S.Arun under Section 31(B) of the Prisoners Act on the ground of emergency to attend his ailing father, who was admitted in Rajiv Gandhi General Hospital Chennai.

For Petitioner : Mr.S.Sundaresan

For Respondents: Mr.V.Balamurugane,
Government Advocate

ORDER

The prayer made in the writ petition is to issue a writ of mandamus directing the respondents to grant 7 days leave to the petitioner's son Mr.S.Arun under Section 31(B) of the Prisons Act on the ground of emergency to attend his ailing father, who was admitted in Rajiv Gandhi General Hospital Chennai.

2. The petitioner is the mother of one S.Arun, son of Subramani, who is detained under Act 14/1982 (Goondas Act) and is now confined at Central Prison, Puzhal in Cell No.3/13. According to the petitioner, initially her husband Subramani was admitted in the hospital as inpatient for his ailment at Integral Coach Factory Hospital, Villivakkam and thereafter, he was shifted to Government Rajiv Gandhi General Hospital, Chennai for better treatment and he is currently in Room No.243 at 4th floor. As his health condition became critical and the doctors lost their hope, he wanted to see his son S.Arun as his last wish. Hence, the petitioner made a petition before the Prison authorities under Section 31(B) of the Prisons Act to grant leave to him for one week on emergency grounds, which was refused. Therefore, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate, who took notice for the respondents.

4. A perusal of the medical reports pertaining to the husband of the petitioner, enclosed in the typed set of papers filed along with this petition, would reveal that the husband of the petitioner is ailing from a life threatening disease. In order to fulfill his wish, this Court is inclined to grant two days parole to the petitioner's son.

5. Accordingly, the third respondent is directed to grant two days parole to the petitioner's son by name S.Arun, son of Subramani, who is now confined at Central Prison, Puzhal in Cell No.3/13. The convict should be released at 9.00 a.m. on 23.03.2017. He should report back at 6.00 p.m. on 24.03.2017. The Superintendent, Central Prison, Puzhal is directed to provide necessary escort to the convict. The convict should be taken to the hospital, where his father was admitted for treatment and thereafter, he should be taken back to the jail. It is open to the Superintendent, Central Prison, Puzhal to impose any other reasonable condition for the safe return of the convict.

6. The writ petition is disposed of with the above direction. No costs.

-s/d-
Assistant Registrar

True Copy
Sub-Assistant Registrar

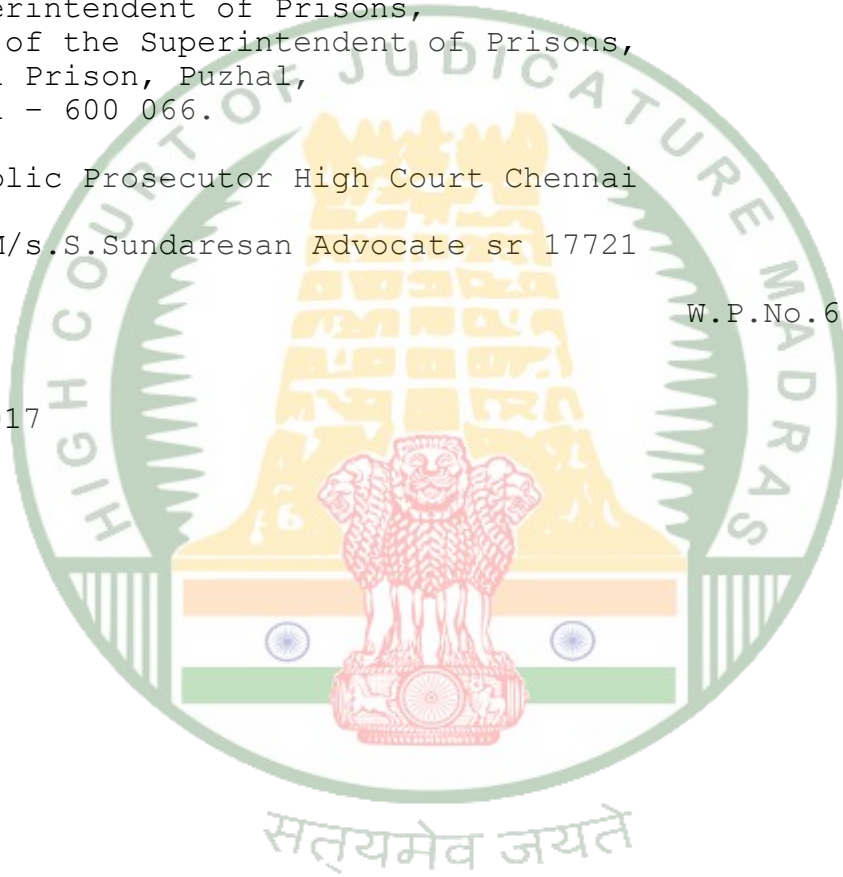
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To

1. The Home Secretary
The State of Tamil Nadu,
Secretariat,
Fort St. George, Chennai - 600 009.
 2. The Additional Director General of Police (Prisons)
Office of the Director General of Police (Prisons)
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 3. The Superintendent of Prisons,
Office of the Superintendent of Prisons,
Central Prison, Puzhal,
Chennai - 600 066.
 4. The Public Prosecutor High Court Chennai
- +1 cc to M/s.S.Sundaresan Advocate sr 17721

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