



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.07.2017

CORAM

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THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.13346 of 2017

N.Lakshmi

... Petitioner

Vs.

1. The State Represented By,
Deputy Inspector General of Prison,
Madurai Range,
Central Prison Campus,
Arasaradi,
Madurai - 625 016.

2. The Superintendent of Prison,
Central Prison,
Arasaradi,
Madurai.

...Respondents

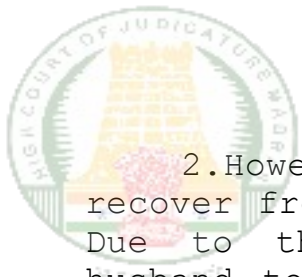
Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to leave for the period of 30 days to petitioner's husband namely K.Nagasamy, who is a life convict confined at Central Prison, Madurai to take special treatment in the private hospital based upon the petitioner's representation dated 04.07.2017 or at Madurai to any competent private hospital.

For Petitioner : Mr.V.Kathirvel Standing Counsel for
M/s.K.Prabhu

For Respondents : Mr.A.K.Baskara Pandian
Special Government Pleader

ORDER

The learned counsel appearing for the petitioner submitted that for the past four years, the petitioner's husband, who is affected by thyroid problem in the neck, has been taking treatment in the Central Prison Hospital, Madurai and at Madurai Government Rajaji Hospital, Madurai. However, in view of the severe problem in the neck, the petitioner's husband was admitted in the Madurai Government Rajaji Hospital, for surgery and surgery was also conducted.



2. However, it is stated that the petitioner's husband did not recover from Thyroidectomy cancer and there was some complication. Due to this, this Court earlier, permitted the petitioner's husband to take a special treatment in Madurai Meenakshi Mission Private Hospital, Madurai at his own expenses. As per the direction of this Court in W.P.(MD).No.23947 of 2016, dated 23.12.2016, the petitioner's husband was admitted in Madurai Meenakshi Mission Private Hospital, Madurai for treatment on 25.12.2016 and the surgery was conducted on 02.01.2017. Though the petitioner's husband was discharged from the hospital on 16.01.2017, in the discharge summary, there was a specific observation that the petitioner's husband was advised to submit himself for a review on 30.01.2017. However, the Jail Authorities did not permit the petitioner's husband to attend the review. In the above circumstances, the present Writ Petition is filed for issuance of a Writ of Mandamus to direct the respondent to grant leave for a period of 30 days to the petitioner's husband, who is undergoing sentence at Central Prison, Madurai to take special treatment in the private hospital.

3. This Court earlier, having regard to the special circumstances of the case, has permitted the petitioner's husband to take medical treatment in the private hospital, Madurai namely Madurai Meenakshi Mission Private Hospital, Madurai at the petitioner's expenses. Since, the present request is also made to allow the petitioner's husband to take treatment at the private hospital (referred to above), this Court is of the view that the same direction can be given to the petitioner's husband to give permission to the petitioner's husband to undergo treatment.

4. The learned Special Government Pleader has no serious objection if a similar direction is issued.

5. Hence, this Court issues the following directions:

The respondents are directed to permit the petitioner's husband/K.Nagasamy, to take special treatment in Madurai Meenakshi Mission Private Hospital, Madurai at his own expenses and for this purpose the respondent police is also directed to render necessary assistance to the petitioner's husband for taking medical treatment as it is being advised by the doctors.

6. With the above directions, this Writ Petition is disposed of. No Costs.

Sd/-

Assistant Registrar (CS-II)



To

1. The Deputy Inspector General of Prison,
Madurai Range,
Central Prison Campus,
Arasaradi,
Madurai - 625 016.

2. The Superintendent of Prison,
Central Prison,
Arasaradi,
Madurai.

+1 cc to Mr.K.Prabhu , Advocate in SR.No. 68200

cmr/rs

AE/SKN RSK/SAR4/28.07.2017/3P/4C

W.P. (MD) No.13346 of 2017
27.07.2017