



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 30.08.2017

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

W.P.(MD).No.16348 of 2017

S.Arumugam

... Petitioner

Vs.

1. The Principal Secretary,
Home Department (Prison),
State of Tamil Nadu,
Secretariat,
Fort St. George,
Chennai - 600 009.

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

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

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the third respondent to give emergency leave granted to me to attend the 16th day for performing religious rituals to my brother's ceremony by considering my representation dated 27.08.2017 within the time stipulated by this Hon'ble Court.

For Petitioner : Mr.S.Malaikani

For Respondents : Mr.A.K.Baskara Pandian,
Special Government Advocate

O R D E R

This writ petition has been filed for issuance of a Writ of Mandamus directing the third respondent to grant emergency leave to the petitioner to attend and perform 16th day ceremony of his late brother by considering his representation dated 27.08.2017 within the time stipulated by this Court.



2. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The learned Special Government Pleader appearing for the respondents produced before this Court a copy of the order passed by the third respondent rejecting such request. The proceedings dated 29.08.2017 indicates that the representation dated 27.08.2017 was received by the third respondent on 28.08.2017. The representation of the petitioner to give permission to him to attend the 16th day ceremony of his brother was turned down by relying upon Rule 6 of Tamil Nadu Suspension of Sentence Rules, 1982. As per the said rule, emergency leave can be granted only for attending death or serious illness of father, mother, wife, husband, son, daughter, full brother or full sister or the wedding of son, daughter, full brother or full sister of the prisoner. Since the rule does not permit the authority to give emergency leave to attend or to perform the 16th day ceremony of the petitioner's brother, the third respondent is justified in passing the order rejecting the application of the petitioner.

4. The learned counsel appearing for the petitioner contended that the performance of 16th day ceremony should also be construed as one relating to the funeral of the petitioner's brother. It is to be seen that the petitioner was granted special emergency leave for attending the funeral of his brother on 14.08.2017. As submitted by the Special Government Pleader no provision is provided for grant of emergency leave in relation to any ceremony pursuant to the death of any of the close relatives of the prisoner. In these circumstances, there is no scope for entertaining this Writ Petition and hence, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

/True copy/

Sub Assistant Registrar

To

1. The Principal Secretary,
Home Department (Prison),
State of Tamil Nadu,
Secretariat,
Fort St. George,

<https://hcservices.cemiln.in/hcservices> 009.



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

WEB COPY

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

+1 cc to Mr.S.Malaikani , Advocate in SR.No. 75509

+1 cc to The Special Government Pleader, in SR.No.75787

SRM

AE/MR KKR/SAR1/11.09.2017/3P/6C

W.P. (MD) .No.16348 of 2017
30.08.2017