



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.11.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE S.S.SUNDARW.P.(MD) No.21560 of 2017

I.Muthulakshmi

... Petitioner

-Vs-

1.The Principal Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat,
Chennai.

2.The Additional Director General of Police (Prison),
Prison Department,
Egmore, Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal(I),
Chennai.

... Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the second and third respondents to consider the petitioner's representation dated 16.11.2017 and to direct the second and third respondents to enlarge the petitioner's husband, named, Iyyappan, S/o.Sreerengathevar, life convict No.5627 on parole for the period of 30 days towards of the petitioner's first ever child's birth which have been expected to be born on 30.11.2017.

For Petitioner : Mr.S.Valmekanathan

For Respondents : Mr.D.Muruganantham
Additional Government Pleader.

O R D E R

This Writ Petition has been filed seeking for issuance of a Writ of Mandamus, to direct the second and third respondents to consider the petitioner's representation dated 16.11.2017 and to direct the second and third respondents to enlarge the petitioner's husband, namely, Iyyappan, S/o.Sreerengathevar, life convict No.5627, on parole for a period of 30 days towards the petitioner's first ever child's birth, which is expected to be on 30.11.2017.

2.Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.



3.The learned Government Advocate, on instructions, submitted that as per the Rule 21 of the Tamilnadu Prison Manual Volume-III Suspension of Sentence Rules, 1982, the petitioner's husband has availed ordinary leave from 30.06.2017 to 31.07.2017 for a period of 30 days. The convict prisoner can avail ordinary leave once in two years. The petitioner's husband / prisoner is eligible to avail ordinary leave only during July'2019, in view of the parole leave granted earlier to the petitioner's husband.

4.It is submitted by the learned Additional Public Prosecutor that the representation of the petitioner's husband cannot be considered as he is not entitled to avail parole leave / ordinary leave, once again for a period of 30 days, as per the Rule 21 of the Tamilnadu Prison Manual Volume-III Suspension of Sentence Rules, 1982. Hence, this Writ Petition is dismissed as devoid of any merits.

Sd/-

Assistant Registrar(RTI)

/True Copy/

Sub-Assistant Registrar

To

1.The Principal Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat,
Chennai.

2.The Additional Director General of Police (Prison),
Prison Department,
Egmore, Chennai.

3.The Superintendent of Prison,
Central Prison, Puzhal(I),
Chennai.

4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai

+One cc to The Special Government Pleader, SR.No.89354

+One cc to Mr.S.Valmekananthan, Advocate, SR.No.89120

cmr

RL/7C/2P/JC/SAR1/11/12/2017

W.P.(MD) No.21560 of 2017