



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.03.2017

CORAM

WEB COPY

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

W.P. (MD) No.4019 of 2017
and W.M.P. (MD) No.3198 of 2017

A.P.Ganesan

... Petitioner

-vs-

- 1.State of Tamilnadu,
Rep. by the Principal Secretary to Government,
Home (Prison V) Department,
Secretariat, Fort St. George,
Chennai - 600 009.
- 2.The Additional Director General of Prison,
Egmore, Chennai - 600 008.
- 3.The Superintendent,
Central Prison,
Madurai.
- 4.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.
- 5.The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records pertaining to the Impugned Order in No.3345/TAKU2/2017 dated 21.02.2017 on the file of respondent No.3 and quash the same as illegal and consequently direct the Respondent No.1 to 3 to release the Petitioner's brother namely Balu @ Balasubramani (C.P.No.4754 - Central Prison, Madurai) on Parole for one month for effecting settlement the Petitioner's property by way of partition, name transfer, maintenance, sale etc and permit the petitioner's brother to visit his properties in, Virudhunagar District, to meet his lawyer, relatives, to go to hospital, temples, register office and other places which similarly situated leave prisoner would be allowed.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

**ORDER**

This writ petition has been filed, seeking quash of the Impugned Order in No.3345/TAKU2/2017 dated 21.02.2017, on the file of respondent No.3 and consequently direct the Respondent Nos.1 to 3 to release the Petitioner's brother namely Balu @ Balasubramani (C.P.No.4754 - Central Prison, Madurai) on Parole for one month for effecting settlement of the Petitioner's property by way of partition, name transfer, maintenance, sale etc and permit the petitioner's brother to visit his properties in Virudhunagar District, to meet his lawyer, relatives, to go to hospital, temples, register office and other places, which similarly situated leave prisoner would be allowed.

2.The Petitioner's brother namely Balu @ Balasubramani (C.P.No.4754) is serving life imprisonment in Central Prison, Madurai. The petitioner made a representation dated 17.02.2017 to the respondent No.3, seeking ordinary leave for his brother Balu @ Balasubramani under the Tamil Nadu Suspension of Sentence Rules, 1982 on the ground that he is required to execute a deed of sale of property in order to make arrangements for marriage of his sister. The third respondent by the impugned order dated 21.02.2017, had rejected the request. Challenging which, the petitioner is before this Court.

3.It is seen that the request of the petitioner is for ordinary leave, where as the impugned order proceeds as if the petitioner sought for emergency leave under Rule 6 of the Tamil Nadu Suspension of Sentence Rules, 1982.

4.Under the circumstances, the impugned order dated 21.02.2017, is hereby quashed and the matter is remanded to the third respondent for appropriate orders in accordance with law on the application dated 17.02.2017 by the petitioners. The authorities shall pass orders within a period of four weeks from the date of receipt of a copy of this order.

5.This Writ Petition is allowed to the extent as indicated above. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(co)

/True Copy/

Sub Assistant Registrar



To

1.The Principal Secretary to Government,
Home (Prison V) Department,
Secretariat, Fort St. George,
Chennai - 600 009.

2.The Additional Director General of Prison,
Egmore, Chennai - 600 008.

3.The Superintendent,
Central Prison,
Madurai.

4.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

5.The Deputy Superintendent of Police,
Aruppukottai,
Virudhunagar District.

+1cc to special Government Pleader in SR. No.13459
+1cc to M/s.T.LAJAPATHI ROY Advocate in SR. No.13325
SJ
JS/RR/22.03.2017/3P-8C

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