



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.03.2017

CORAM:

THE HONOURABLE MR. JUSTICE P.N. PRAKASH

W.P. (MD) .No.5096 of 2017

WEB COPY

S.Glory

.. Petitioner

Vs.

1.The State of Tamil Nadu

Represented by

The Secretary to Government of Tamilnadu

Home Department,

Secretariat,

Chennai-600 009.

2.The Additional Director General of Prisons,

C.M.D.A.Towers,

Egmore,

Chennai.

3.The Superintendent of Prisons,

Palayankottai Central Prison,

Palayankottai,

Tirunelveli District.

.. Respondents

Prayer:- Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to extend the leave granted to the petitioner's husband D.Oliver aged about 55 years, Life Convict Prisoner No.3452 at Palayankottai Central Prison, for further period of 6 months enable him to continue his essential treatment for survival of his life and pass such other or further orders as this Court may deem fit and proper to the circumstances of the case.

For Petitioner :Mr.R.Narayanan

For Respondents :Mr.T.S.Mohammed Mohindeen

Additional Government Pleader

ORDER

The petitioner's husband D.Oliver is a life convict (CP No.3452), who is undergoing life sentence in Central Prison, at Palayankottai. He was granted 6 days leave and during the leave period he was admitted in Vasantham Health Centre (P) Ltd., Nagercoil, where the doctors have diagnosed that he is suffering from cancer. The certificate dated 22.03.2017, by Vasantham Health Centre (P) Ltd., reads as under:-

"This is to inform that Mr.Oliver, 55yrs, Male was admitted in our hospital on 19.03.2017 with C/o abdominal pain since 6 months. UGI scopy was done which shows growth with distal Stomach-possibly malignancy. Since this type of Cancer is having the nature of growth which will cause death to the patient. He is in need of



immediate intervention to save his life which is very serious.

Dr.N.B.Venkataraman, MBBS, MD, DM(CARDIO)''

Therefore, the petitioner is before this Court for extension of leave.

2. In the considered opinion of this Court, leave cannot be extended when a person is on leave and his leave can be further extended only by the Government under Rule 34 of the Tamil Nadu Suspension of Sentence Rules, 1982. This Court has no authority to extend the leave. Therefore, this Court directs the petitioner's husband D.Oliver to immediately surrender before the jail authority. On such surrender, he shall be examined by the jail doctors in the light of the diagnosis by Vasantham Health Centre (P) Ltd., Nagercoil. If required, the petitioner's husband D.Oliver be brought to Government Hospital, Palayamkottai and if necessary, he may be brought to Government Rajaji Hospital, Madurai for specialised treatment. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(RECORDS)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government of Tamilnadu
The State of Tamil Nadu
Home Department,
Secretariat,
Chennai-600 009.
- 2.The Additional Director General of Prisons,
C.M.D.A.Towers,
Egmore,
Chennai.
- 3.The Superintendent of Prisons,
Palayankottai Central Prison,
Palayankottai,
Tirunelveli District.

+1cc to M/s.R.NARAYANAN, Advocate, in SR No. 17203

JIKR

AAM-CM MSA/SAR 3/24.03.2017 2P 5c

Order made in
W.P. (MD) .No.5096 of 2017
23.03.2017