



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.05.2017

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

W.P. (MD) No.8774 of 2017

Kuruvammal

: Petitioner

-Vs-

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

: Respondent

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for records relating to the impugned order passed by the respondent herein in No.7567/Tha.Ku.2/2017 dated 27.04.2017 and quash the same as illegal and consequently direct the respondent herein to grant parole to the petitioner's husband namely Palpandi S/o. Subramani, (Life Convict Prisoner No.5052) on 08.05.2017

For Petitioner	: Mr.V.B.Sundhareshwar
For Respondent	: Mr.T.S.Mohammed Mohideen, Additional Government Pleader

O R D E R

The petitioner's husband, namely Palpandi is a life convict (Life Convict Prisoner No.5052) and he is undergoing life sentence in the Central Prison, Madurai. While so, the petitioner gave a representation dated 21.04.2017 to the respondent seeking parole for her husband for him to go to the Registrar's Office and execute a settlement deed in respect of his property. The said representation has been dismissed on 27.04.2017 on the ground that under Rule 524 of the Tamil Nadu Prison Rules, 1983, a power of attorney can be obtained from the prisoner in the presence of the Prison Authorities, with which, the settlement deed can be executed. Challenging the order dated 27.04.2017, the Writ Petition has been filed.

2. Heard Mr.V.B.Sundhareshwar, learned counsel for the petitioner and Mr.T.S.Mohammed Mohideen, learned Additional Government Pleader, who takes notice on behalf of the respondent.



3. It is true that under Rule 524 of Tamil Nadu Prison Rules 1983, a prisoner can execute a power of attorney in the Prison itself authorizing his power agent to dispose of his property. However, under Rule 20 of the Tamil Nadu Suspension of Sentence Rules, 1982 ordinary leave can be granted for settling family dispute, like partition, etc. Therefore, the authorities can also consider releasing the petitioner's husband under Rule 20. However, since the time is too short, this Court is of the view that it will serve the interest of justice, if a direction is given to the respondent to send the petitioner's husband under police escort to the concerned Registrar's Office on 08.05.2017 for executing the document.

4. Therefore, this Court directs the respondent to send the petitioner's husband under police escort to the concerned Registrar's Office on 08.05.2017 at 9.00 a.m., for executing the document and bring him back after the registration formalities are completed.

5. The Writ Petition stands disposed of in the above terms. No costs.

Sd/-

Assistant Registrar (Records)

/True Copy/

Sub Assistant Registrar

To

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

+ 1 CC TO Mr.V.B.SUNDHARESHWAR, ADVOCATE IN SR No. 55617
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 55783

GNS/SMLS

TE/SV/SAR-IV : 05/05/2017 : 2P/4C

Order made in
W.P. (MD) No. 8774 of 2017
Dated: 04.05.2017