

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.08.2018

CORAM

THE HON'BLE DR.JUSTICE S.VIMALA
AND
THE HON'BLE MRS.JUSTICE S.RAMATHILAGAM

H.C.P.NO.1542 OF 2018

Saifunnisa

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Petitioner

Vs

1. The State represented by its Secretary to Government
Home Department, Fort St.George, Chennai 600 009.
2. Additional Director General of Prison
CMDA Tower II, No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
3. The Superintendent
Central Prison, Kovai.

...Respondents

For Petitioner : M/s.Dr.S.Manoharan
For Respondents : Mr.R.Prathap Kumar,
Addl.Public Prosecutor

Prayer : Writ Petition filed under Article 226 of the
Constitution of India praying to issue a Writ of Habeas Corpus
directing the respondents herein to grant leave to the
petitioner's husband Mohammed Zubair @ Sheikh Janu S/o Sheik
Mohideen, aged about 48 years, undergoing imprisonment at
Central Prison, Kovai as life confict with No.3243.

O R D E R

(Order made by Dr.S.VIMALA, J.)

Petitioner herein is the wife of the detenu Mohammed Zubair
@ Sheikh Janu S/o Sheik Mohideen. The Habeas Corpus Petition is
filed seeking direction to respondents herein to grant leave to
the petitioners husband Mohammed Zubair @ Sheikh Janu S/o Sheik
Mohideen undergoing imprisonment at Central Prison, Kovai as
life confict with No.3243.

2. It is stated that the detenu Mohammed Zubair @ Sheikh
Janu S/o Sheik Mohideen married the petitioner when the detenu
came out on parole in the year 2007. It is also stated that the

detenu is a life convict and is in custody for more than 10 years. Petitioner seeks direction to the respondents to grant leave to the detenu for the purposes of making arrangements for the livelihood of his family, construction or repairing the homestead and for settling family disputes like partition etc., A representation has been submitted to the second and third respondents on 20.07.2018.

3. According to the learned Additional Public Prosecutor, the competent authority to consider the representation is only the first respondent and not the second and third respondents.

4. In the above circumstances, the petitioner is given the option of submitting the required representation to the first respondent and in the event of the representation being received by the first respondent, it shall be considered within a period of three weeks from the date of receipt of a copy of this order. With the above directions, the H.C.P. is disposed of.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

KST
To

1. The Secretary to Government
Home Department, Fort St.George, Chennai 600 009.
 2. Additional Director General of Prison
CMDA Tower II, No.1, Gandhi Irwin Road
Egmore, Chennai 600 008.
 3. The Superintendent
Central Prison, Kovai.
 4. The Public Prosecutor
High Court, Madras.
- +1 cc to Mr.S. Manoharan, Advocate sr 52164.

H.C.P.No.1542 of 2018

RSI (CO)
SP(12/09/2018)