

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.05.2018

CORAM

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

W.P.No.12109 of 2018
and W.M.P.No.14118 of 2018

C.Amirthavalli

... Petitioner

Versus

1. The Government of Tamilnadu,
Rep. by its Secretary to Government,
Home (Prison IV) Department,
Fort St. George, Chennai-9.
2. The Additional Director General of Police/
Inspector General of Prisons,
Office of The Additional Director General of Police/
Inspector General of Prisons,
Thalamuthu Natarajan Maligai,
Second Floor, Gandhi Irwin Road,
Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison, Coimbatore-641 018. Respondents

PRAYER:

Writ petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, to direct the third respondent to grant extension of leave from 16.05.2018 by further 8 weeks to my husband R.Chinnadurai @ Chinnasamy Prisoner CT 715 confined in the Central prison, Coimbatore now on leave in care and medical treatment for Complete Heart Block so as to enable him to receive proper and necessary care and medical treatment on the basis of my representation dated 04.05.2018 and pass further orders.

For Petitioner : Mr.B.Vijayakumar

For Respondents : Mr.T.N.Rajagopalan,
Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

This petition has been filed to direct the 3rd respondent to grant extension of leave from 16.05.2018 by further eight weeks to the petitioner's husband in CT 715 confined in the Central prison, Coimbatore now on leave in care and medical treatment for Complete Heart Block so as to enable him to receive proper and necessary care and medical treatment on the basis of the petitioner's representation dated 04.05.2018.

2. Heard both sides.

3. The learned counsel for the petitioner submitted that the petitioner's husband namely R.Chinnadurai @ Chinnasamy was convicted by the Additional District and Sessions Judge, Erode in SC.No.84 of 2001, to undergo life imprisonment for offences under Section 302 IPC by judgment dated 03.05.2002. He further submitted that the appeal filed by the petitioner's husband in C.A.No.941 of 2002 before this court was dismissed on 10.11.2004. He further submitted that the petitioner's husband is in jail for the past 16 years and he is aged about 65 years and he is a chronic heart patient. He further submitted that for the past six months, the petitioner's husband has suffered heart attack twice and he took treatment at Coimbatore Medical College Hospital, Coimbatore. He further submitted that he is on leave from 07.04.2018 to 15.04.2018 and admitted in the K.G.Hospital, Coimbatore, for taking treatment. He further submitted that subsequently he was admitted in the G.Kuppuswamy Naidu Memorial Hospital, Coimbatore and took treatment from 23.04.2018 to 26.04.2018.

4. He further submitted that since the petitioner's husband requires better treatment, he may be extended leave for taking treatment by considering the representation submitted by the petitioner dated 04.05.2018.

5. The learned Government Pleader appearing for the respondents has submitted that after taking treatment, petitioner's husband was sent back to the Central Prison, Coimbatore and hence he opposed this petition.

6. Though the petitioner has prayed for a larger relief, without going into the merits of the case, this Court is of the view that, if the 3rd respondent is directed to consider the petitioner's representation and pass appropriate orders that would meet ends of justice. Accordingly, the 3rd respondent is directed to consider the petitioner's representation dated

04.05.2018 and pass appropriate order in accordance with law within a period of three days from the date of receipt of a copy of this order and inform to the petitioner.

7. With the aforesaid observations, the writ petition stands disposed of. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Asst.Registrar/V.O.

/true copy/

Sub Asst. Registrar

sk/kak

To

1. The Secretary to Government,
The Government of Tamilnadu,
Home (Prison IV) Department,
Fort St. George, Chennai-9.
2. The Additional Director General of Police/
Inspector General of Prisons,
Office of The Additional Director General of Police/
Inspector General of Prisons,
Thalamuthu Natarajan Maligai,
Second Floor, Gandhi Irwin Road,
Egmore, Chennai-600 008.
3. The Superintendent of Prison,
Central Prison, Coimbatore-641 018.

+2ccs to M/s.B.Vijaya Kumar, Advocate in sr.no.34199

W.P.No.12109 of 2018

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