



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2018

CORAM:

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THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P.(MD).No.22051 of 2018

and

WMP(MD)Nos.20005 and 20006 of 2018

N.Mareeswari

...Petitioner

Vs.

- 1.State of Tamil Nadu,
represented by
the Principal Secretary to Government,
Home(Prison V) Department,
Secretariat, Fort St George,
Chennai - 600 009.
- 2.The Additional Director General of Police,
Inspector General of Prison,
No1.Gandhi Irwin Salai,
Egmore, Chennai - 600 008.
- 3.The Deputy Inspector General of Prison,
Madurai Range,
Central Prison Campus,
Madurai - 625 016.
- 4.The Superintendent of Prison,
Madurai Central Prison,
Madurai - 625 016.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the 4th Respondent vide his Proceedings in No.17017/ThaKu2/2018, dated 25.10.2018 and quash the same as illegal and consequently direct the 4th Respondent to grant 30 days of emergency leave to the Petitioners husband viz., Nallamaruthu @ Maruthu, S/o. Bose Convict Prisoner No.3536, now confined at Central Prison, Madurai to admit the petitioner's mother in law in the hospital for the hear surgery to replace the valve and take better treatment.

For Petitioner

:Mr.C.Mayil Vahana Rajendran

For Respondents

:Mr.B.Bhagawathi,
Government Advocate

O R D E R

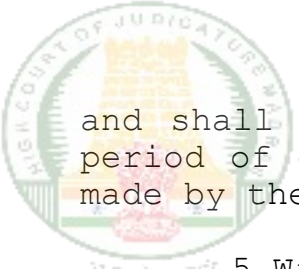
This writ petition has been filed challenging the order passed by the 4th respondent, rejecting the application made by the petitioner seeking for emergency leave for her husband, who is a life convict, on the ground that he has to attend the serious health condition of his mother.

2.The learned Counsel for the petitioner would submit that the petitioner's husband is a life convict and he was convicted in SC No.506 of 1997 by the I Additional District and Sessions Judge, Madurai by judgment dated 08.08.2000. This Court by an order dated 03.10.2018, granted ordinary leave to the petitioner's husband. The relevant portion of the order is extracted hereunder:

"7.In view of the above, there shall be a direction to the fourth respondent to consider the request made by the petitioner for ordinary leave for a maximum period of 15 days. The petitioner is directed to make a fresh representation to the fourth respondent and the fourth respondent shall consider the representation and grant ordinary leave for a period of 15 days to the petitioner's husband. It is left open to the fourth respondent to impose any conditions that are required to be complied with during the period of ordinary leave, by the petitioner's husband."

3.Pursuant to the above said order, the petitioner's husband was granted ordinary leave, which is coming to an end on 31.10.2018. In the meantime, the petitioner made a representation dated 24.10.2018 to the 4th respondent claiming for emergency leave for her husband on the ground that his mother has been admitted in the hospital to undergo a major surgery and therefore, the presence of the petitioner's husband is required for sometime with his mother. This representation has been rejected by the 4th respondent by the impugned order dated 25.10.2018 on the ground that the petitioner has already been given ordinary leave and while he is outside, the 4th respondent cannot consider his representation grant of emergency leave and the petitioner's husband was directed to surrender before the 4th respondent on 31.10.2018 at 5.00pm, as directed by this Court.

4.This Court does not find any illegality or infirmity in the order passed by the 4th respondent. The petitioner's husband will have to surrender before the 4th respondent on 31.10.2018 at 5.00pm. Thereafter, the petitioner can make a fresh representation to the 4th respondent seeking for emergency leave after convincing the 4th respondent about the serious health issues faced by the mother of the convict. The 4th respondent, on receipt of the representation shall take into consideration the real emergency of the situation



and shall pass appropriate orders in accordance with law within a period of one week from the date of receipt of such representation made by the petitioner.

5. With the above direction, the writ petition is disposed of. Consequently, WMP(MD) Nos. 20005 and 20006 of 2018 are closed. No Costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar(CS-IV)

dsk

To

1. The Principal Secretary to Government,
Home(Prison V) Department,
Secretariat, Fort St George,
Chennai - 600 009.
2. The Additional Director General of Police,
Inspector General of Prison,
No.1. Gandhi Irwin Salai,
Egmore, Chennai - 600 008.
3. The Deputy Inspector General of Prison,
Madurai Range,
Central Prison Campus,
Madurai - 625 016.
4. The Superintendent of Prison,
Madurai Central Prison,
Madurai - 625 016.

+1cc to Spl Government Pleader, SR No.92962
+1cc to Mr.C.Mayil Vahana Rajendran, Advocate in SR No.92995

W.P. (MD) .No.22051 of 2018

NM/SKN/SAR IV/31.10.18/3P/7C



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