



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **G.R.SWAMINATHAN**

W.P. (MD) No.16693 of 2019

P.Thayalu

... Petitioner

Vs

1.The Secretary to the Government,
Home Department,
Secretariat, Chennai.

2.The Inspector General of Prisons,
Chennai.

3.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli District.

4.The Inspector of Police,
Central Bureau Investigation/Special
Crime Branch,
Chennai.

5.The Inspector of Police,
Othakadai Police Station,
Madurai District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus, to call for the entire records pertaining to the rejection order of the third respondent sent through his Letter No.4375/தஞ.2/2019, signed on 18.05.2019 and quash the same and consequently direct him to grant the relief of leave so as to enable the petitioner's husband by name V.P.Pandi S/o.Ponnusamy (who is presently a life convict vide judgment in C.A.No.274 of 2011 dated 21.03.2019, delivered by this Court) to be present at the time of petitioner's surgery and treatment for her hear disease.

For Petitioner : Mr.R.Anand

For Respondents : Mr.A. Robinson
Govt. Advocate (Crl. Side)

**ORDER**

The petitioner is the wife of V.P.Pandi, who is a life convict undergoing imprisonment in Central Prison, Palayamkottai. The petitioner has to undergo a major cardiac surgery. The petitioner wants the presence of her husband with her. I am of the view that the petitioner's request can be granted. However, taking note of the strong opposition raised by the learned Government Advocate (Crl. Side), I am of the view that interest of justice will be served by directing the respondents to take Thiru.V.P.Pandi to the petitioner so that he can be with the petitioner for atleast five hours before the commencement of the operation. Likewise, after the operation is successfully done, the respondents shall bring him back to the hospital to spend a few hours with the petitioner. The dates will have to be intimated in writing by Meenakshmi Mission Hospital addressed to the third respondent herein.

2.It is made clear that this Court is not granting leave or parole or any relief in the nature of bail. The petitioner's husband will be under police escort. Of course, as already held by me vide order dated 28.05.2019 made in WP(MD)No.12488 of 2019, when Thiru.V.P.Pandi is with the petitioner, no police official will be present during the meeting and the privacy and dignity of the parties namely., that of the writ petitioner as well as Thiru.V.P.Pandi shall be respected fully.

3.At this stage, the learned Government Advocate (Crl. Side) expresses his apprehension that there is a life threat to V.P.Pandi. It is open to the police to make appropriate arrangements to ensure his security.

4.With these directions, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar(Records)

// True Copy //

Sub Assistant Registrar(CS)

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To:

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Home Department,
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Chennai.

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4.The Inspector of Police,
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5.The Inspector of Police,
Othakadai Police Station,
Madurai District

+1CC TO MR.R.ANAND, Advocate Sr. No. 79292

W.P. (MD) No.16693 of 2019
01.08.2019

PM(CO)
TR (02.08.2019) 3P 7C