



WEB COPY

1

W.P.(MD)No.18549 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE **V.BHARATHIDASAN**

W.P. (MD)No.18549 of 2019

Saivadhurai

: Petitioner

Versus

1.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.

2.The Additional Director General of Police (Prisons) /
The Inspector General of Prisons,
Office of ADGP (Prisons)/I.G of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore, Chennai.

3.The Deputy Inspector of Prison,
Madurai Central Prison Campus,
Madurai Range, Madurai.

4.The Superintendent of Police,
Madurai Central Prison,
Madurai.

: Respondents

Prayer: Writ Petition is filed under Article 227 of the Constitution of India praying for the issuance of a Writ of Mandamus, to direct the respondents to grant 15 days emergent leave to petitioner's father by name Ramaiya Pandian, son of Govindan, aged about 40 years, confining at Madurai Central Prison as life convict to enable him to participate in the funeral function of my mother by name Ramu in accordance within the time stipulated by this Honourable Court.

For Petitioner : M.R.Venkatesan



For Respondents : Mr.K.Suyambulinga Bharathi
Government Advocate (Crl. side)

O R D E R

WEB COPY

This Writ Petition has been filed seeking a direction to the fourth respondent to grant parole to the petitioner's father by name Ramaiya Pandian, who is the convicted prisoner, now, confined at Central Prison, Madurai.

2.The grievance of the petitioner is that the petitioner's father was convicted for the offences under Sections 147, 148, 302 r/w 149, 436 r/w. 149 and 449 of the Indian Penal Code and Sections 4 and 5 of Explosives Substances Act, 1908 and Section 4 of TNPPDL Act and sentenced to undergo life imprisonment in S.C.No.3 of 2009, dated 11.04.2019, on the file of the Principal Sessions Court, Madurai. Now, his father is confined at Central Jail, Madurai. The petitioner's mother died on 25.08.2019. In the above circumstances, in order to attend the funeral ceremony of the petitioner's mother, he made an application before the fourth respondent / the Superintendent, Madurai Central Prison, Madurai, seeking emergency leave to the convict for a period of fifteen days. But, the same was not considered so far. Hence, the present Writ Petition has been filed.

3.Today, when the matter was taken up for hearing, the learned Government Advocate (Criminal side) appearing for the respondents, on instructions, submitted that the application given by the petitioner was considered and already two days leave was granted to the petitioner's father. He further submitted that the petitioner's father has performed funeral rites to his mother and after completion of leave, the petitioner's father returned to the jail.

4.The learned counsel appearing for the petitioner would contend that even though the petitioner's father has performed funeral rites, he has to do other ceremonies. Hence, the petitioner seeks six more days emergency leave to his father to perform the other ceremonies.

5.Considering the fact that already the petitioner's application dated 25.08.2019 has been considered and leave was granted to the petitioner's father, the prayer sought for by the petitioner cannot be granted. If at all the petitioner's father wants any leave, it is always open to the petitioner to approach the Central Prison, Madurai and file necessary application, seeking leave. On filing such application, the Jail Authority is directed to consider the same and pass suitable orders on the petitioner's application on merits and in accordance with law.

<https://hcservices.ecourts.gov.in/hcservices/>



6. In view of the above, the Writ Petition stands closed.

No costs.

Sd/-

Assistant Registrar

WEB COPY /TRUE COPY/

Sub Assistant Registrar

To

1. The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat, Chennai-600 009.
2. The Additional Director General of Police (Prisons) /
The Inspector General of Prisons,
Office of ADGP (Prisons) / I.G of Prisons,
Thalamuthu Natarajar Maaligai,
Egmore, Chennai.
3. The Deputy Inspector of Prison,
Madurai Central Prison Campus,
Madurai Range, Madurai.
4. The Superintendent of Police,
Madurai Central Prison,
Madurai.

COPY TO:
THE PRINCIPAL SUBORDINATE JUDGE,
MADURAI.

+1 CC to M/s.R VENKATESAN, Advocate (SR-83645[F] dated 27/08/2019)

Order made in
W.P. (MD) No.18549 of 2019
27.08.2019

JM/28.08.2019/2P/7C