



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.10.2019**

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

AND

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

W.P. (MD)No.23075 of 2019

S.Moorthy

: Petitioner

Vs.

1.The Superintendent
Central Prison,
Tiruchirappalli

2.The Inspector of Police,
Annavaasal Police Station,
Pudukottai District.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus to direct the respondents to release the Ganesan, son of Karuppiyah is under detention by order in P.D.O.No.58/2019 dated 06.09.2019 in Trichy Prison, under parole for a period of two days ie., from 31.10.2019 to 01.11.2019 to perform for cremation of his father Karuppiyah.

For Petitioner : Mr.M.Ajmal Khan

For Respondents :Mr.K.Dinesh Babu

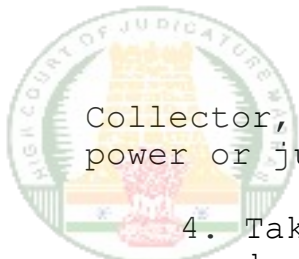
Additional Public Prosecutor

ORDER

This petition has been filed seeking for a direction to the first respondent to release the detenu in order to carry out the last rites of his father, who died on 30.10.2019.

2. The learned counsel for the petitioner submitted that the detenu has been detained at Central Prison, Trichy, pursuant to the detention order passed by the District Collector, Pudukottai District in P.D.O.No.58/2019 dated 06.09.2019. The learned counsel further submitted that the detenu's father Karuppiyah died yesterday night, ie., on 30.10.2019. The detenu as his son will have to perform his last rites. Even though a representation was given to the first respondent, no action has been taken and therefore, this petition has been filed before this Court.

3. The learned Additional Public Prosecutor appearing on behalf of the respondents submitted that the respondents do not have the power to release the detenu, since he has been detained under Act 14 of 1982. Therefore, without proper orders passed by the District



Collector, Pudukottai District, the respondents do not have the power or jurisdiction to release the detenu.

4. Taking into consideration the facts and circumstances of the case and also of the fact that the detenu, being the son of the deceased father, has to perform his final rites, this Court is inclined to exercise its jurisdiction under Article 226 of the Constitution of India and directs his release to perform the final rites subject to the following conditions:

(a) The detenu Ganesan shall be released by the first respondent immediately on receipt of this order and the detenu shall be escorted to his house to perform the final rites of his father;

(b) The detenu shall surrender before the Superintendent of Prison, Trichy, on 03.11.2019 before 5.00 p.m.; and

(c) the second respondent police shall ensure that the detenu attends only to the final rites and subsequently surrenders before the 1st respondent within the time stipulated by this Court.

5. The writ petition is disposed of with the above directions.

6. Post this writ petition on 04.11.2019, 'for reporting compliance'.

Sd/-

Assistant Registrar (Crl Side)

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Sub Assistant Registrar(CS)

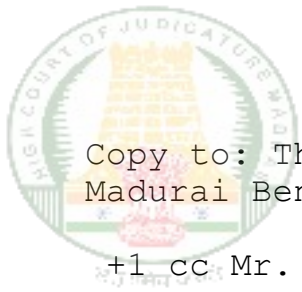
RR

To

1.The Superintendent
Central Prison,
Tiruchirappalli

2.The Inspector of Police,
Annavasal Police Station,
Pudukottai District.

3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



Copy to: The Section Officer, Writ Section,
Madurai Bench of Madras High Court, Madurai.

+1 cc Mr. M.AJMAL KHAN ,Advocate, SR.No.95360

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Order made in
W.P. (MD) No.23075 of 2019
31.10.2019

KK/SAR/30.10.2019/3P-6C/