



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.10.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD)No.3101 of 2020

WEB COPY

M.Seetha Lakshmi

... Petitioner

Vs.

- 1.The Government of India,
Rep. by its Secretary to Government,
Home (Prison IV) Department,
Fort St.George,
Chennai 600 009.
- 2.The Additional Director General of Prisons,
Gandhi Irwin Road,
Egmore,
Chennai 600 008.
- 3.The Deputy Inspector General of Prison,
Vellore Range,
Vellore 632 002.
- 4.The Superintendant of Prison,
Central Prison,
Cuddalore,
Cuddalore 607 044.

... Respondents

Prayer: Writ petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for records pertaining to the impugned order passed by the 4th respondent vide proceedings in Reference No.18310/Tha.Ku.2/2019 dated 22.11.2019 and quash the same and consequently direct the respondents to grant one month ordinary leave to the petitioner's son Thavasi @ Thavasimuthu, son of Murugan, who is presently lodged at the Central Prison, Cuddalore.

(Prayer amended vide Court order dated 24.02.2020 in W.M.P. (MD)No.3235 of 2020 in W.P. (MD)No.3101 of 2020 by ADJCJ)

For Petitioner : Mr.A.Rahul
For Respondents : Mr.R.Srinivasan,
Government Advocate



O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

2.The petitioner has three sons namely., Muthu, Thavasimuthu and Marimuthu. One of the sons namely., Thavasimuthu is undergoing life imprisonment in Central Prison, Cuddalore. The said detenu has been convicted in quite a few cases. The petitioner wants to make some arrangements regarding her properties therefore, the presence of her son is required. The petitioner made a request for grant of one month ordinary leave. The said request was rejected by the impugned order.

3.The learned counsel appearing for the petitioner places reliance on the order dated 16.08.2019 made in H.C.P.No.1679 of 2018. The reason for availing the leave does not appear to be in dispute. The petitioner has spent about 15 years prison. The petitioner gives an undertaking that her son Muthu will personally go the Central Prison, Cuddalore and after giving an undertaking to the Prison Authority bring his brother namely., Thavasi @ Thavasimuthu to the petitioner. The detenu is given ordinary leave of two weeks. The detenu is based in Thoothukudi. He will sign before the Inspector of Police, Thoothukudi Central Police Station, every evening at 08.00 pm. The petitioner's other son namely., Muthu will give his mobile number to the prison authority and the said mobile will be in on mode throughout. At the end of the two weeks ordinary leave, Muthu will take Thavasimuthu to the Central Prison, Cuddalore. Since the petitioner has given such an undertaking, I am inclined to grant relief. I make it clear that if this undertaking is breached, severe consequence will follow.

4.In this view of the matter, the order impugned in this writ petition is quashed. The respondents are directed to give two weeks ordinary leave to the petitioner's son namely Thavasi @ Thavasimuthu. No costs.

Sd/-

Assistant Registrar(Writs)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.



To:

- 1.The Secretary,
Home (Prison IV) Department,
Fort St.George,
Chennai 600 009.
- 2.The Additional Director General of Prisons,
Gandhi Irwin Road,
Egmore,
Chennai 600 008.
- 3.The Deputy Inspector General of Prison,
Vellore Range,
Vellore 632 002.
- 4.The Superintendant of Prison,
Central Prison,
Cuddalore,
Cuddalore 607 044.

Copy to:-

The Inspector of Police,
Thoothukudi Central Police Station,
Thoothukudi.

+1 CC to M/s.R. KARUNANIDHI, Advocate (SR-19687[F] dated 12/10/2020)

W.P. (MD) No.3101 of 2020
09.10.2020

SCR(CO)
TR(13.10.2020) 3P 7C