



WEB COPY

W.P(MD)No.7179 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.06.2020

CORAM

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.7179 of 2020

K.Bala

...Petitioner

Vs

1.The State represented by its
The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St. George,
Chennai - 600 009.

2.The Additional Director General of Prison,
Gandhi-Irvin Road,
Egmore,
Chennai - 600 008.

3.The Superintendent,
Central Prison,
Palayamkottai.

...Respondents

Prayer: Petition filed under Article 226 of Constitution of India seeking a Writ of Mandamus directing the first respondent to grant ordinary leave for 30 days or emergency leave for 6 days to petitioner's husband, the prisoner, Kombar @ Kombariah, S/o.Esakki, Life Convict Prisoner No.662, detained at Central Prison, Palayamkottai.

For Petitioner : Mr.R.Narayanan

For Respondent : Mr.K.K.Ramakrishnan,
Nos.1 to 3 Additional Public Prosecutor



ORDER

WEB COPY This Writ Petition is filed seeking issuance of a Writ of Mandamus directing the first respondent to grant ordinary leave for 30 days or emergency leave for 6 days to petitioner's husband, namely, Kombar @ Kombariah, S/o.Esakki, Life Convict Prisoner No.662, detained at Central Prison, Palayamkottai.

2. The learned Counsel appearing for the petitioner sought grant of emergency leave to the petitioner's husband at least for three days to attend his son's marriage scheduled to be held on 02.07.2020.

3. This petition is strongly objected to by the learned Additional Public Prosecutor on the grounds that the petitioner's husband has not completed three years of imprisonment as a convict prisoner and therefore, he is not eligible for any relief as per the Tamil Nadu Prison Manual. He would further submit that most of the police personnel are admitted in hospital due to the suffering of COVID-19 pandemic and therefore, the respondent Police are not in a position to provide adequate escort to the petitioner's husband.

4. At this stage, the learned Counsel appearing for the petitioner submits that the petitioner's husband may be connected through video conference to bless his son.



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5.In view of the objection raised by the learned Additional Public Prosecutor and considering the submission of the learned Counsel for the petitioner, the Superintendent of Central Prison, Palayamkottai, third respondent herein, is directed to connect the petitioner's husband, namely, Komban @ Kombaiah, S/o.Esakki, Life Convict Prisoner No.662, through video conference enabling him to bless his son through video conference at the time of his son's marriage to be held on 02.07.2020.

6.With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar

// True
Copy //

/ /2020

Sub Assistant Registrar(CS)

SRM

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 to Government of Tamil Nadu,
Department of Home, Fort St. George,
Chennai - 600 009.



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2.The Additional Director General of Prison,
Gandhi-Irvin Road,
Egmore,
Chennai - 600 008.

3.The Superintendent,
Central Prison,
Palayamkottai.

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

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AP (30.06.2020) 4P 5C