



WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 22.12.2020**

**CORAM:**

**THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM**

**and**

**THE HONOURABLE MRS.JUSTICE T.KRISHNAVALLI**

**W.P. (MD) No.18322 of 2020**

Durga Devi

... Petitioner

-vs-

1.State of Tamilnadu

Rep.by the Principal Secretary to Government  
Home (Prison V) Department  
Secretariat, Fort St.George  
Chennai-600 009

2.The Deputy Inspector General of Prisons

O/o.Additional Director General of Police /  
Inspector General of Prisons  
Whannels Road  
Egmore, Chennai-8

3.Superintendent of Prisons

Central Prison  
Arasaradi, Madurai

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondent No.1 to 3 to release the petitioner's husband namely Sankar (C.P.No.5697-Central Prison, Madurai) on parole for one month for effecting arrangement of livelihood of the petitioner and permit the petitioner's husband to visit his lawyer, relatives, to go to hospital, temples, and other places which similarly situated leave prisoner would be allowed.

For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.R.Anandharaj  
Additional Public Prosecutor

**O R D E R**

**(Order of the Court was made by K.KALYANASUNDARAM, J.)**

The prayer in this writ petition is for issuance of a writ of mandamus directing the respondents to release the petitioner's husband, namely, Sankar (C.P.No.5697-Central Prison, Madurai) on parole for a period of one month.



2. Heard Mr.S.Rajasekar, learned counsel appearing for the petitioner and Mr.R.Anandharaj, learned Additional Public Prosecutor for the respondents and perused the materials available on record.

3. The case of the petitioner is that her husband Sankar was arrested for his involvement in Crime No.490 of 2012, on the file of Avaniapuram Police Station and he faced trial before the Additional District and Sessions Court, Madurai, in S.C.No.103 of 2015. The Trial Court found the petitioner's husband guilty and sentenced him to undergo life imprisonment and the Judgment of conviction was upheld by this Court in Crl.A.(MD) No.459 of 2017.

4. The grievance of the petitioner is that she is having two years old child and she has to maintain herself as well as the age-old mother-in-law and hence, she gave a representation, dated 27.11.2020 to the respondents seeking leave to her husband for a period of one month. Since no action was taken by the respondents, the present writ petition has been filed.

5. The learned counsel for the petitioner would state that the petitioner would be satisfied if a direction is issued to the second respondent to dispose of the petitioner's representation within a stipulated time.

6. The learned Additional Public Prosecutor for the respondents, on instructions, would state that the second respondent is ready to pass orders on the petitioner's representation in accordance with law.

7. In view of the limited scope of the prayer sought for in this writ petition and the submissions of the learned counsel on either side, this Court, without going into the merits of the matter, directs the second respondent to consider the petitioner's representation, dated 27.11.2020 and pass orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.

8. With the above direction, the writ petition is disposed of. No costs.

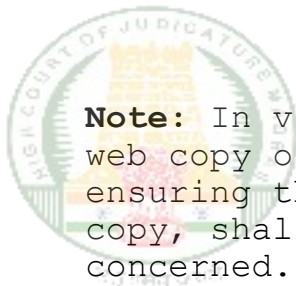
Sd/-

Assistant Registrar (AS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



**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.

## WEB COPY

To:

- 1.The Principal Secretary to Government,  
Home (Prison V) Department,  
State of Tamilnadu,  
Secretariat, Fort St.George,  
Chennai-600 009.
- 2.The Deputy Inspector General of Prisons,  
O/o.Additional Director General of Police,  
Inspector General of Prisons,  
Whannels Road, Egmore, Chennai-8.
- 3.Superintendent of Prisons,  
Central Prison, Arasaradi, Madurai.

+1 CC to M/s.T.LAJAPATHI ROY, Advocate ( SR-27084[F] dated 23/12/2020 )

**W.P. (MD) No.18322 of 2020**  
**22.12.2020**

**KMV (CO)**  
**AP(23/12/2020) 3P 5C**