

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2021

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE MR.JUSTICE R.PONGIAPPAN

W.P.No.9863 of 2021

Rabiyathul Basiriya,
W/o.Yasudeen

...Petitioner Wife of the detenu

versus

The State represented by its

1.The Deputy Inspector General of Prison,
Coimbatore Region,
Coimbatore.

2.The Superintendent,
Central Prison,
Coimbatore.

...

Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, to direct the first respondent to consider the petitioner's representation dated 22.03.2021 and consequently, to modify the order of 30 days leave with escort in No.639/TAVU-2/2021 dated 23.02.2021 into the order of 30 days of ordinary leave without escort to her husband the detenu, Yasudeen, son of Bathrudeen, aged about 41 years, Convict No.3287 detained at Coimbatore Central Prison.

For Petitioner : Dr.S.Manoharan

For Respondents : Mr.R.Prathap Kumar
Additional Public Prosecutor

O R D E R

[Order of the Court was made by P.N.PRAKASH, J.]

This petition has been filed seeking a direction to the 1st respondent to consider the petitioner's representation dated 22.03.2021 and to modify the order of 30 days leave "with escort" in No.639/TAVU-2/2021 dated 23.02.2021 into the order of 30 days of ordinary leave "without escort" to the petitioner's husband viz. Yasudeen (Convict No.3287), who is detained in Central Prison, Coimbatore.

2. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

3. Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor, on instructions, submitted that, the detenu has been granted 30 days ordinary leave, by the 1st respondent vide order dated 23.02.2021 "with escort".

4. However, the learned counsel for the petitioner submitted that, in an earlier occasion, when the detenu was granted leave without escort, there was no allegation against him and he returned to the prison without any remark and therefore, the order dated 23.02.2021 passed by the 1st respondent granting ordinary leave "with escort" requires to be modified as ordinary leave "without escort".

5. We are unable to countenance the aforesaid submission of the learned counsel for the petitioner, since the scope of judicial review of such administrative orders is very limited and this Court cannot substitute its opinion with regard to the safety and security of the detenu over that of the authorities. Therefore, the petitioner's prayer for a direction to consider her representation as stated in the opening paragraph of this order, cannot be granted.

6. As a sequel, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

sri

To

1.The Deputy Inspector General of Prison,
Coimbatore Region,
Coimbatore.

2.The Superintendent,
Central Prison,
Coimbatore.

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EV (CO)
CB(14/06/2021)