



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 25.06.2021

CORAM

THE HONOURABLE Mr. JUSTICE P.N.PRAKASH
AND

THE HONOURABLE Mr. JUSTICE R.PONGIAPPAN

W.P.No.11387 of 2021

V.Parameshwari

.. Petitioner

Vs.

1.The Home Secretary
Home Department
Secretariat, Fort St. George
Chennai-9

2.The Deputy Inspector General of Prison
O/o.The Deputy Inspector General of Prison
Vellore District

3.The Superintendent of Prison
Vellore Central Prison
Vellore District

4.The Inspector of Police
Anaikattu All Women Police Station
Vellore District

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of certiorarified mandamus, to call for the records in proceedings vide No.4729/Tha.Ku.3/2021 dated 20.04.2021 passed by the 3rd respondent and quash the same and direct the respondents to grant 15 days ordinary leave without escort to the petitioner's husband convict prisoner Vadivelan (CT No.3128), S/o.Late Perumal, now confined in Vellore Central Prison, for the purpose of making arrangements for the petitioner's medical expenses.

For Petitioner : Mr.P.Muthamizh Selvakumar

For Respondents: Mr.R.Muniyapparaj
Govt. Advocate (Crl.Side)



O R D E R

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

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It is the case of the petitioner that, her husband viz., Vadivelan, is a convict prisoner (CT.No.3128) and is undergoing imprisonment in the Central Prison, Vellore; the petitioner gave an application for ordinary leave to the Superintendent, Central Prison, Vellore, which was received on 19.04.2021. The said representation was considered and the Superintendent, Central Prison, Vellore, by order dated 20.04.2021, has rejected the same, aggrieved by which, the petitioner has filed the present writ petition.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the respondents.

3. Ordinary leave is granted under Rule 20 of the Tamil Nadu Suspension of Sentence Rules, 1982, which reads as under :

"20.Grounds for the grant of ordinary leave :

The grounds for the grant of ordinary leave to a prisoner shall be -

- i. to make arrangements for the livelihood of his family and for the settlement of life after release;
- ii. to make arrangements for the admission of the children in the school or college;
- iii. construction or repairing the homestead;
- iv. to make arrangements or to participate in the marriage of the prisoner, sons, daughters, full brother or full sisters, as the case may be, of the prisoner;
- v. settling family disputes like partition etc.
- vi. agricultural operations like sowing, harvesting etc.; and
- vii. any other extraordinary reasons."

4. In the application that was submitted by the petitioner, she has stated that she is physically indisposed of and requires some advanced treatment and that her daughter, who is studying in 10th standard is attending classes online and that, she is financially in distress, for which, she had prayed for ordinary leave for her husband.

5. We find that the reasons given in the leave application does not satisfy the mandates set out in Rule 20 supra for grant of ordinary leave. Therefore, we do not find any infirmity in



the order dated 20.04.2021 passed by the respondent. However, liberty is given to the petitioner to submit a fresh application for ordinary leave within the parameters of Rule 20 supra and on such application being filed, the same shall be decided on merits by the 3rd respondent.

With the above direction, this writ petition is closed. No costs.

Sd/-
Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The Home Secretary
Home Department
Secretariat, Fort St. George
Chennai-9
2. The Deputy Inspector General of Prison
O/o.The Deputy Inspector General of Prison
Vellore District
3. The Superintendent of Prison
Vellore Central Prison
Vellore District
4. The Inspector of Police
Anaikattu All Women Police Station
Vellore District
5. The Public Prosecutor
High Court, Madras

W.P.No.11387 of 2021

PMK (CO)
GMY (23/07/2021)