

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.05.2021

CORAM

THE HON'BLE MR.JUSTICE R.SURESH KUMAR
AND
THE HON'BLE MR.JUSTICE P.D.AUDIKEVALU

W.P.NO.11648 of 2021

Muniyammal

.. Petitioner

Vs

1.The Secretary to Government
Home Department, Government of Tamil Nadu
Secretariat, Chennai 600 009.

2.The Superintendent of Prison
Vellore Central Prison
Vellore District.

3.The Inspector of Police
K-8 Arumbakkam Police Station
Chennai District.

.. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the 2nd respondent to grant emergency leave to the Petitioner son by name Radha alias Radhakrishnan son of Ramanujam aged about 40 years confining at Vellore Central Prison under Rule 6 of Tamil nadu Suspension of sentence Rules 1982 and by Considering the representation submitted by the Petitioner dated 29.4.2021 in accordance with law within the time stipulated by this Honble court.

For Petitioner : Mr.A.J.Balaji
for M/s.M.Mohamed Riyas
For Respondents: Mrs.Krithika Kamal
Government Advocate

O R D E R

(Order of the Court was made by R.SURESH KUMAR, J.)

The prayer sought for herein is to direct the 2nd respondent to grant emergency leave to the Petitioner son by name Radha alias Radhakrishnan son of Ramanujam aged about 40 years confining at Vellore Central Prison under Rule 6 of Tamil nadu Suspension of sentence Rules 1982 and by Considering the representation submitted by the Petitioner dated 29.4.2021.

2. The case of the petitioner is that, the petitioner's son Radha alias Radhakrishnan is confined in the Central Prison, Vellore and he has already availed parole facilities to look after the petitioner who is ailing. The petitioner further needs the help of her son to make arrangements for the medicines required by the ailing petitioner. In this regard, the petitioner has given a representation to the second respondent on 29.04.2021 and she seeks to give a direction to the second respondent jail authorities to consider the request of the petitioner and to pass orders on the same on merits and in accordance with law.

3. Heard Mr.A.J.Balaji, learned counsel appearing for the petitioner who has reiterated the aforesaid facts and seeks the indulgence of this Court to issue suitable direction to the second respondent.

4. Heard Mrs.Krithika Kamal, learned Government Advocate (Criminal Side) appearing for the respondents, who would submit that, as per Rule 6 of the relevant Rules, only if any relative of the detenu suffers from any serious illness, the detenu is eligible to get parole and since nothing has been stated in the representation dated 29.04.2021 of the petitioner, whether the detenu would be eligible to get such Parole is a question. Anyhow, since a representation has been given by the petitioner, that would be considered by the second respondent / jail authorities on merits and in accordance with law, within a time frame that may be stipulated by this Court.

5. Considering the aforesaid submissions made by the learned counsel appearing for the parties and the innocuous nature of the prayer sought for in this writ petition, we are inclined to dispose of this writ petition with the following order. That there shall be a direction to the second respondent to consider the representation of the petitioner dated 29.04.2021 and pass orders on merits and in accordance with law forthwith, in any event on or before 12.05.2021.

6. With the above direction, this writ petition is disposed of. No costs. It is made clear that, we have not expressed any view on the merits of the issue raised in the representation given by the petitioner.

-s/d-

Vacation Officer/Assistant Registrar

True Copy

Sub-Assistant Registrar

KST

TO

- 1.The Secretary to Government
Home Department, Government of Tamil Nadu
Secretariat, Chennai 600 009.
- 2.The Superintendent of Prison
Vellore Central Prison
Vellore District.
- 3.The Inspector of Police
K-8 Arumbakkam Police Station
Chennai District.

W.P.No.11648 of 2021

AD(CO)
EU 6.5.2021



WEB COPY