



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2021

CORAM

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

W.P.NO.12750 OF 2021

Poori Kamal,
S/o.Amar Singh (late),
111, Chinna Thottam,
Madhukari Sandhi,
Coimbatore - 105.

.. Petitioner

Vs.

State represented by

1. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai - 600 009.
2. The Additional Director General of Prison,
C.M.D.A. Towers,
Egmore, Chennai - 600 008.
3. The Deputy Inspector of Police,
Coimbatore Range,
Coimbatore.
4. The Superintendent,
Central Prison,
Coimbatore - 641 018.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents to extend the leave without escort for 30 days to the detenu from 07.06.2021 life convict prisoner, No.2806 detained at Central Prison, Coimbatore.

For Petitioner : Mr.Manikandan
for Dr.S.Manoharan

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



ORDER

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

This writ petition has been filed seeking to direct the respondents to extend the leave without escort for 30 days to the detenu from 07.06.2021 life convict prisoner, No.2806 detained at Central Prison, Coimbatore.

2. It is seen that the detenu Poori Kamal was granted leave under the Tamil Nadu Suspension of Sentence Rules, 1982, on 08.05.2021 up to 07.06.2021 for certain purpose. While he was on leave, he gave a representation dated 21.05.2021 to the prison authorities for extension of leave on the ground that the purpose for which, he was granted leave was yet to be completed. After having given the said representation, he has filed the present writ petition on 01.06.2021 seeking extension of leave.

3. It is the grievance of the learned counsel for the petitioner that though this writ petition was filed on 01.06.2021, it was not numbered by the Registry immediately and has been numbered only now and listed before the Court.

4. In our opinion, in this COVID-19 pandemic situation, the High Court is working under great stress as several Advocates and staff members have unfortunately died.

5. Admittedly, Poori Kamal had surrendered before the prison authorities on 07.06.2021.

6. This Court cannot grant extension of leave, because, grant of leave is an exclusive prerogative of the authorities under the Rules, *ibid.*, as held by a Full Bench of this Court in the State, represented by the Home, Secretary, the Government of Tamil Nadu, Fort St.George, Chennai and 4 others vs. Yesu@Velaiyan¹.

In the result, this writ petition is dismissed as being devoid of merits. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar



1. The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai - 600 009.
2. The Additional Director General of Prison,
C.M.D.A. Towers,
Egmore, Chennai - 600 008.
3. The Deputy Inspector of Police,
Coimbatore Range,
Coimbatore.
4. The Superintendent,
Central Prison,
Coimbatore - 641 018.
5. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

W.P.No.12750 of 2021

SR-II(CO)
CS/19/07/2021