

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.06.2021

CORAM

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

W.P.No.13088 of 2021
and W.M.P.No.13897 of 2021

Anees Unnissha,
W/o.Sathiq Basha Petitioner

versus

- 1.The Deputy Inspector General of Prison,
Prison Department,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 2.The Superintendent of Prison,
Central Prison,
Vellore. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records of the second respondent No.6919/taku.3/2021 dated 16.06.2021 and quash the same, directing the respondents herein to release the petitioner's husband Sathiq Basha, S/o.Saleembasha, Convict No.3315, for 7 days emergency leave to perform last rites of petitioner's father.

For Petitioner : Mr.R.Rajan

For Respondents : Mr.R.Muniyapparaj
Government Advocate [Crl. Side]

O R D E R

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

Pursuant to the direction issued by this Court in W.P.No.11972 of 2021 dated 20.05.2021, the Superintendent, Central Prison, Vellore (2nd respondent) granted 30 days ordinary

leave to the convict prisoner - Sathiq Basha (Convict No.3315) on 27.05.2021. Accordingly, he should surrender before the prison authorities on 25.06.2021.

2. While so, a representation on behalf of Sathiq Basha was given by the petitioner, seeking extension of ordinary leave on the ground that, Sathiq Basha has to perform certain religious rites in connection with his father's death. The said representation has been rejected by the authorities on 16.06.2021.

3. It is seen that Sathiq Basha's father had died on 22.05.2021, for which, he was granted emergency leave by the Superintendent, Central Prison, Vellore. Thereafter, the authorities have granted ordinary leave for 30 days to Sathiq Basha, pursuant to the order of this Court in W.P.No.11972 of 2021. Under such circumstances, this Court neither extend the ordinary leave nor direct the authorities to grant emergency leave, unless the Rules permit.

4. Therefore, this Writ Petition is dismissed, with a direction to the petitioner to surrender before the prison authorities on 25.06.2021 and make an application for emergency leave. On such application being made, the same may be considered and disposed of immediately, if it is within the parameters of the Rules. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sri
To

1.The Deputy Inspector General of Prison,
Prison Department,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

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

3.The Public Prosecutor,
High Court, Madras.

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