



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 06.08.2021

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THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.NO.16172 OF 2021

Kalaivani

.. Petitioner

Vs.

1.State rep. by
The Secretary to Government
Department of Home
Fort St. George, Chennai-9

2.The Additional Director General of Police
Egmore, Chennai-8

3.The Superintendent of Prison
Central Prison, Puzhal-I
Chennai

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying to issue a writ of certiorarified mandamus to call for the records pertaining to the order passed by the 2nd respondent in No.1404/MuVu/2020 dated 11.02.2021 and quash the same and consequently direct the respondents to grant parole/leave for a period of one month to the petitioner's husband viz., T.Suresh, aged about 35 years, S/o.Thirunavukkarasu (CP.No.6380) confined in Central Prison, Puzhal-I, Chennai as life convict.

For Petitioner : Mr.C.V.Kumar

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.]

It is the case of the petitioner that her husband viz., T.Suresh is a convict prisoner (CP.No.6380) and is now confined in the Central Prison, Puzhal-I; her mother-in-law Govindammal fell ill, due to some heart problems and hypertension and that



her health condition is precarious; therefore on this ground, she gave a representation dated 28.09.2020 to the prison authorities, for grant of 30 days ordinary leave. Since the leave application was kept pending by the authorities, she filed W.P.No.7276 of 2021 for a mandamus. During the hearing of the said writ petition, the learned Government Advocate (Crl. Side) submitted that the leave application of the petitioner was considered by the prison authorities and was rejected by the Deputy Inspector General of Prisons, by order dated 11.02.2012. Since the learned counsel for the petitioner stated that he was not served with the rejection order, we direct the authorities to serve a copy of the rejection order and liberty is also given to the petitioner to file a fresh writ petition challenging the rejection order. Accordingly, the present petition has been filed.

2. Heard Mr.C.V.Kumar, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Government Advocate (Crl. Side) appearing for the respondents.

3. We carefully perused the impugned rejection order dated 11.02.2021 that has been passed by the Deputy Inspector General of Prisons, Chennai Range. The request for ordinary leave was made on the ground that the detenu's mother Govindammal is physically indisposed and her health condition is precarious, whereas, the report of the Probation Officer showed that Govindammal is hale and healthy. Therefore on this ground, the prison authorities had rejected the request for ordinary leave, by the impugned order dated 11.02.2021.

4. Mr.C.V.Kumar contended that Govindammal had underwent eye surgery and her health condition is bad.

5. In our considered opinion, we cannot sit in appeal over the report of the Probation Officer, as these are questions of fact, which cannot be gone into in this writ petition. Therefore, we do not find any infirmity in the impugned order dated 11.02.2021, warranting interference. However, it is always open to the petitioner to give a fresh leave application, either for emergency leave or ordinary leave with sufficient materials and on such leave application being given, the authorities shall consider the same on merits.

With the above observation, this Writ Petition is closed.
No costs.

s/d-
Assistant Registrar(CS-III)

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Sub-Assistant Registrar



To

1. The Secretary to Government
Department of Home
Fort St. George, Chennai-9
2. The Additional Director General of Police
Egmore, Chennai-8
3. The Superintendent of Prison
Central Prison, Puzhal-I
Chennai
4. The Public Prosecutor
high Court, Madras

+1cc to M/S.C.V.Kumar, Advocate, SR.No.38745

W.P.No.16172 of 2021

RSI (CO)
PM(03/09/2021)