



W.P.No.23109 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2021

CORAM

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE MRS.JUSTICE R.HEMALATHA**

W.P.No.23109 of 2021

R.Rami
W/o.Rajendran

... Petitioner

Vs

1.The Chief Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat,
Chennai – 600 009.

2.The Director General of Police & I.G. of Prison,
Gandhi Irwin Road,
Egmore,
Chennai – 600 008.

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

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to grant 30 days ordinary leave by considering the representation of the petitioner dated



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14.09.2021 and release her son namely Murali, S/o.Rajendran, aged 28 years, convict prisoner, now confined in the Central Prison, Vellore.

For Petitioner : Ms.S.Nadhiya

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

This Writ Petition has been filed seeking a direction to the respondents to grant 30 days ordinary leave by considering the representation of the petitioner dated 14.09.2021 and release the petitioner's son namely Murali, S/o.Rajendran, aged 28 years, convict prisoner, who is now confined in the Central Prison, Vellore.

2. It is the case of the petitioner that her son is a convict prisoner [C.T.No.3269], who is presently lodged at Central Prison, Vellore. The petitioner gave a leave application dated 14.09.2021 under the Tamil Nadu Suspension of Sentence Rules, 1982, for grant of ordinary leave to her son and thereafter, filed the present writ petition for a mandamus.



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3. During the pendency of the writ petition, the Deputy Inspector General of Prisons, Vellore, has passed an order dated 17.11.2021, rejecting the leave application on the ground that the Probation Officer and the Inspector of police, Tirupathur Police Station, in whose jurisdiction the convict prisoner is residing, have not recommended for ordinary leave as they fear there could be retaliation. A copy of the rejection order was furnished to the learned counsel for the petitioner. Instead of directing the petitioner to file a fresh writ petition for a certiorarified mandamus, we consider the rejection order dated 17.11.2021.

4. The learned counsel for the petitioner submitted that earlier the convict prisoner had gone on emergency leave and had returned safely. Learned counsel also submitted that the jail authorities could grant ordinary leave for lesser days as the convict prisoner's mother is seriously ill.

5. The Probation Officer and the Inspector of Police have, in their report, stated that if the convict prisoner visits Vengalapuram Village there is likelihood of trouble resulting in law and order problem. However, learned Additional Public Prosecutor submits that if the petitioner gives a leave



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application for staying in any other place within 50 kms. away from Vengalapuram, the authorities can consider the same on merits.

6. We carefully heard the rival submissions.

7. Leave is not a matter of right and can be granted only if the conditions specified in the rules are satisfied. When two authorities have given an adverse report, this Court cannot sit in judgment over them and substitute its own opinion. Hence, we do not find any good reason to interfere with the order dated 17.11.2021.

Accordingly, this Writ Petition is closed for the present. It is always open to the petitioner to file a fresh leave application with valid grounds and seeking leave with escort for lesser days and agreeing to stay in a place 50 kms. away from Vengalapuram and on such application being given, the same may be decided on merits. No costs.

[P.N.P., J] [R.H., J]
25.11.2021

Index : Yes/No
gm/mtl



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To

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and
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