



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **24.02.2021**

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

and

THE HONOURABLE MR.JUSTICE G.ILANGOVA

W.P(MD)No.3552 of 2021

WEB COPY

Mahalakshmi

:Petitioner

.vs.

1.The Additional Director General of Police (Prisons)
Gandhi Irwin Road,
Egmore, Chennai.

2.The Superintendent of Central Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order passed by the 2nd respondent dated 04.01.2021 and set aside the same and to grant ten days ordinary leave/parole to the petitioner's son namely Manikandan (C.P.No.3628), son of Innasi Muthu, who is confined at Central Prison, Palayamkottai to enable him to execute a sale deed.

For Petitioner
For Respondents

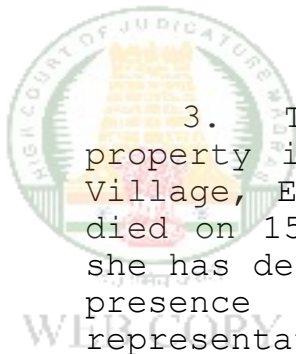
:Mr.C.K.M.Appaji
:Mr.R.Anandharaj
Additional Public Prosecutor

O R D E R

[Order of the Court was made by **K.KALYANASUNDARAM.,J.**]

This writ petition has been filed by the mother of the convict to quash the order of the second respondent, dated 04.01.2021, wherein, leave sought for by the petitioner for a period of 10 days was rejected.

2. The petitioner would claim that her son Manikandan was convicted by the Mahila Court, Thoothukudi in S.C.No.18 of 2014 for the offences punishable under Sections 302, 397, 201 r/w 511 of IPC vide judgment, dated 22.10.2014 and various sentences were imposed including Life Imprisonment. CrI.A(MD)No.124 of 2016 filed by him before this Court challenging the conviction and sentence was dismissed on 16.11.2016 and he is now confined at Central Prison, Palayamkottai.



3. The petitioner would state that her husband purchased a property in Survey No.451/16 to an extent of 4 cents in Karuppur Village, Ettaiyapuram Taluk, Thoothukudi District, subsequently, he died on 15.06.2016. Thereafter, she suffered financially and now, she has decided to sell the property to settle debts, for which, the presence of her son is required. Therefore, she sent a representation to the second respondent on 21.12.2020 requesting parole for a period of 10 days, but, it was rejected by the impugned order of the second respondent.

4. Mr. C.K.M.Appaji, learned counsel appearing for the petitioner would argue that since the petitioner sought for parole for a period of 10 days, it was rejected by the second respondent on the ground the relevant rule does not permit and for execution of the sale deed, the presence of convict is required only for two working days and therefore, the petitioner is ready to give a fresh representation to the second respondent. It would suffice, if a direction is given to the second respondent to consider the representation of the petitioner.

5. Mr.R.Anandaraj, learned Additional Public Prosecutor appearing for the respondents would urge that the convict involved in the offence punishable under Section 397 IPC and hence, he is not entitled for ordinary leave and parole can be considered under the emergency leave and hence there is no illegality in the impugned order and if a fresh representation is given by the petitioner, the second respondent is ready to consider the same in accordance with law.

6. Though the petitioner had sought for a larger relief, however, considering the submission of the learned counsel for the petitioner, this writ petition is disposed of directing the petitioner to give a fresh representation to the second respondent by enclosing the copy of this order, within a period of two weeks and on receipt of such representation, the second respondent shall consider the same and pass orders on merits and in accordance with law, within a period of four weeks there from.

7. Accordingly, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (crl)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Additional Director General of Police (Prisons)
Gandhi Irwin Road,
Egmore, Chennai.

2.The Superintendent of Central Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.

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