



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.06.2021

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM  
and  
THE HONOURABLE MR.JUSTICE G.ILANGOVA

W.P(MD)No.9883 of 2021

M.Mariyammal

... Petitioner

vs.

- 1.State of Tamil Nadu  
represented by the Principal Secretary,  
Home (Prison) Department,  
Fort St. George,  
Secretariat,  
Chennai 600 009.
- 2.The Director General of Police /  
the Inspector General of Prison,  
Office of the Director General of Police/  
the Inspector General of Prison,  
Egmore,  
Chennai 600 008.
- 3.The Deputy Inspector General of Prison,  
Office of the Deputy Inspector General of Prison,  
Madurai Central Prison Campus,  
Madurai 625 016.
- 4.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai District.

... Respondents

**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to release the petitioner's husband namely Moorthi (Life Convict Prisoner No.5414), son of Kandasamy, aged about 55 years, who is now confined in Madurai Central Prison, from the prison on the leave for 90 days, by considering the petitioner's representation dated 08.05.2021.

For Petitioner  
For Respondents

: Mr.R.Prakash  
: Mr.S.Ravi  
Standing counsel



**O R D E R**

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

By consent of both parties, this writ petition is taken up for final disposal.

2. The petitioner has come forward with this writ petition for issuance of writ of mandamus directing the respondents to release the petitioner's husband viz., Moorthi (Life Convict Prisoner No.5414), son of Kandasamy, aged about 55 years, who is now confined in Madurai Central Prison, from the prison on the leave for 90 days, by considering the petitioner's representation dated 08.05.2021.

3. The petitioner claims to be the wife of the convict, namely Moorthi. She would state that the said Moorthi was convicted by the I Additional Sessions Court, Salem in S.C.No.39 of 1999 for the offence punishable under Section 302 of I.P.C. He was sentenced to undergo life imprisonment. Hence, he has been undergoing sentence at Central Prison, Madurai for more than 17 years.

4. Mr.R.Prakash, learned counsel appearing for the petitioner would state that the petitioner's husband is suffering from high blood pressure and high blood sugar and for providing medical treatment and to avoid COVID - 19 infection in Madurai Central Prison, the petitioner made a representation to the respondents on 08.05.2021, to grant leave for the convict. Since no action was taken, the present writ petition has been filed. He would further state that, it would suffice, if a direction is issued to the third respondent to consider the representation of the petitioner.

5. Per contra, Mr.S.Ravi, learned Standing counsel appearing for the respondents would argue that no convict is entitled for parole for a period of 90 days at a stretch and hence, the third respondent is ready to consider the representation of the petitioner, dated 08.05.2021.

6. In the light of the submissions made by the learned counsels, without going into the merits of the matter, the third respondent is hereby directed to pass orders, on the representation of the petitioner, dated 08.05.2021, purely on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order.



7. With the above direction, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

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/ /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 Principal Secretary,  
Government of Tamil Nadu,  
Home (Prison) Department,  
Fort St. George,  
Secretariat,  
Chennai 600 009.
- 2.The Director General of Police /  
the Inspector General of Prison,  
Office of the Director General of Police/  
the Inspector General of Prison,  
Egmore,  
Chennai 600 008.
- 3.The Deputy Inspector General of Prison,  
Office of the Deputy Inspector General of Prison,  
Madurai Central Prison Campus,  
Madurai 625 016.
- 4.The Superintendent of Prison,  
Madurai Central Prison,  
Madurai District.

**ORDER MADE IN**  
**W.P (MD)No.9883 of 2021**  
**DATED**  
**09.06.2021**

AS (11.06.2021) 3P 5C