



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **11.01.2021**

CORAM:

THE HONOURABLE MR.JUSTICE K.KALYANASUNDARAM

AND

THE HONOURABLE MR. JUSTICE G.ILANGO VAN

W.P. (MD)No.19829 of 2020

Latha : Petitioner

Vs.

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Home Prison Department,
Secretariat,
Fort St. George,
Chennai - 09.

2.The Additional Director General of Prison,
O/o The Additional Director General of Prison,
No-1, Gandhi Erwin Road,
Egmore,
Chennai - 08.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.

: Respondents

PRAYER: Petition is filed under Article 226 of the Constitution of India praying for the issue of a Writ of Mandamus directing the respondents to grant parole leave for a period of one month to the petitioner's husband namely, Thangamuthu, son of Maruthavalli Thevar confined at Central Prison, Palayamkottai, Tirunelveli as a life convict in C.P.No.8917 by considering her representation dated 09.12.2020.

For Petitioner : Mr.SMA.Jinnah

For Respondents : Mr.R.Anandharaj
Addl. Public Prosecutor

ORDER

(Order of the Court was made by K.KALYANASUNDARAM, J)

The petitioner has come forward with this writ petition for issuance of a Writ of Mandamus directing the respondents to grant parole for a period of one month to her husband, namely,



Thangamuthu, son of Maruthavalli Thevar confined at Central Prison, Palayamkottai, Tirunelveli as a life convict in C.P.No.8917 by considering her representation dated 09.12.2020.

2.Heard Mr.SMA.Jinnah, learned counsel for the petitioner and Mr.R.Anandharaj, learned Additional Public Prosecutor appearing for the respondents and perused the materials available on records.

3.When the matter is taken up for hearing, the learned Additional Public Prosecutor by producing a letter dated 21.12.2020 of the third respondent/Superintendent of Prison, Central Jail, Palayamkottai would argue that the petitioner's husband, the convict, by name, Thangamuthu is not entitled for ordinary leave under Section 22(1) of the Tamil Nadu Suspension of Sentence Rules 1982 since he has already availed leave in the year 2019 and only after lapse of two years, he can submit an application for grant of ordinary leave. Therefore, the representation of the petitioner came to be rejected.

4.The learned Additional Public Prosecutor would further submit that if the petitioner applies for emergency leave for performing her son's marriage, the authorities are ready to consider the same.

5.In the light of the order passed by the third respondent, dated 21.12.2020, the prayer in this writ petition has become infructuous and hence, the same is dismissed as having become infructuous.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

skn

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 to Government,
Government of Tamil Nadu,
Home Prison Department,
Secretariat,
Fort St. George,
Chennai - 09.
- 2.The Additional Director General of Prison,
O/o The Additional Director General of Prison,
No-1, Gandhi Erwin Road,
Egmore,
Chennai - 08.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Order made in
W.P. (MD) No.19829 of 2020
11.01.2021

KUN(CO)
TR(18.01.2021) 3P 5C