



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.05.2022

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN
AND
THE HON'BLE MR. JUSTICE SENTHILKUMAR RAMAMOORTHY

WRIT PETITION NO.11740 OF 2022

Samsunisha
W/o.Mohamed Ansari

... Petitioner

Vs

1. The State of Tamil Nadu
represented by its Secretary,
Home Department,
Fort St.George, Chennai - 600 009.
2. The Superintendent of Central Prison,
Coimbatore,
Coimbatore District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 04.04.2022 in accordance with law by granting ordinary leave for 30 days to the Life Convict Mohamed Ansari s/o.Mohideen Sheik [Ct.No.13875], now confined in Central Prison, Coimbatore and permitting the petitioner to attend the wedding of his daughter Fathima Zahra Bathool, which is scheduled to be held on 19.06.2022 to secure the ends of justice.

For Petitioner : Mr.A.Ramesh
For Respondent : Mr.R.Muniyapparaj,
Additional Public Prosecutor

O R D E R
[Made by G.R.SWAMINATHAN, J]

Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor for the respondents.

2. The petitioner's husband is in Central Prison, Coimbatore, as a convict prisoner for the last 24 years. The



petitioner applied for ordinary leave, so that, her husband can come out to make arrangements and also to attend the wedding of their daughter scheduled to be held on 19.06.2022. The petitioner's request was rejected by the competent authority on the ground that the appeal filed by the petitioner's husband is pending before the Apex Court.

3. When an appeal questioning the judgment and conviction is pending before the higher Court, the question of granting ordinary leave does not arise. However, the petitioner is permitted to submit a fresh application for granting emergency leave to her husband for the purpose of attending the wedding of their daughter. If such an application is made, the concerned authority is directed to consider the same favourably.

Accordingly, this Writ Petition is disposed of with the aforesaid liberty and direction. No costs.

Sd/-
Vacation Officer

//True Copy//

Sub Assistant Registrar

gm/nsa

To

1. The Secretary,
Home Department,
Fort St.George, Chennai - 600 009.
2. The Superintendent of Central Prison,
Coimbatore, Coimbatore District.
3. The Public Prosecutor,
High Court, Madras.

+1cc to Mr.R.Sankarasubbu, Advocate, S.R.No.31378

Writ Petition No.11740 of 2022

SSN(CO)
PM/19/05/2022