



W.P(MD)No.6515 of 2011

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.07.2022**

CORAM

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)No.6515 of 2011

Selvam

... Petitioner

Vs.

1.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
Secretariat,
Chennai-600 009.

2.The Additional Director General of Police (Prisons)
cum The Inspector General of Prisons,
Office of ADGP (Prisons)/I.G of Prisons,
Thalamuthu Natarajar Maligai,
Egmore, Chennai.

3.The Superintendent of Police,
Trichy Central Prison,
Trichy District.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Declaration, to declare the Rules 7 and 22 of the Tamil Nadu Suspension of Sentence Rules, 1982 as unconstitutional and ultra vires to the Constitution of India and not valid under Law, consequently directing the Respondent No.1 to make



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eligibility rules for emergency leave and ordinary leave to the sentenced to death prisoners like life convicted prisoners and convicted prisoners.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.N.Muthu Vijayan
Special Government Pleader

ORDER

The present writ petition has been filed for a declaration to declare Rules 7 and 22 of the Tamil Nadu Suspension of Sentence Rules, 1982 as unconstitutional and ultra vires to the constitution of India.

2. When the said petition was filed, the petitioner was a death prisoner. Hence, he was not entitled to any emergency or ordinary leave. At that point of time, the present writ petition came to be filed.

3. Now, that the petitioner's death sentence has been commuted to life sentence and as on today, he is eligible to avail emergency leave and ordinary leave. Hence, it may not be necessary for the petitioner to challenge the above said Rules.



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4. Therefore, this Writ Petition is dismissed as infructuous.

However, if the petitioner wishes to challenge the said Rules by way of a public interest litigation, he is at liberty to do so. No costs.

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Index : Yes / No
Internet : Yes / No

To

- 1.The Secretary to Government,
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Government of Tamil Nadu,
Secretariat,
Chennai-600 009.
- 2.The Additional Director General of Police (Prisons)
cum The Inspector General of Prisons,
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R.VIJAYAKUMAR ,J.

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