



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.03.2022

CORAM:

WEB COPY

**THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR**

W.P(MD)No.4885 of 2022

S.Malathi

:Petitioner

.VS.

1.The State of Tamilnadu,
Rep. by the Principal Secretary to Government,
Home (Prison) Department,
Tamilnadu Government Chief Secretariat,
Fort St. George,
Chennai-600 009.

2.The Additional Director General of Police/
Inspector General of Prisons,
C.M.D.A.Towers, II,
No.1, Gandhi Irwin Road,
Egmore,
Chennai-600 008.

3.The Deputy Inspector General of Prison,
Madurai Range,
Madurai.

4.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

: Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the proceedings passed by the third respondent in No.568/உத.2/2022, dated 24.02.2022 and quash the same as illegal and consequently to direct the respondents to grant parole for 30 days to her husband namely V.Sudhakar, S/o.Vairavakalai, aged 40 years, who is confined at Central Prison, Madurai as Life Convict Prisoner in C.P.No.5851 for the purpose of medical emergency treatment of his ailing mother and for arranging money for the family.



For Petitioner
For Respondents

:Mr.P.Yasmin Begum
:Mr.S.Ravi,
Additional Public Prosecutor

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O R D E R

R.SUBRAMANIAN, J
AND
N.SATHISH KUMAR, J

The petitioner, who is the wife of the Life Convict, namely, V.Sudhakar, S/o.Vairavakalai, has sought for ordinary leave for her husband to attend on his mother, who is said to be critically ill. The said request has been rejected by the third respondent on the ground that the appeal is pending before the Hon'ble Supreme Court.

2.Mr.S.Ravi, learned Additional Public Prosecutor, appearing for the State, would submit that the ground on which the said request rejected is not sustainable as per the judgment of this Court in ***Pooranam Vs. The Superintendent, Central Prison, Madurai*** in ***W.P (MD)No.8089 of 2013, dated 20.08.2013.***

3. In view of the said submission made by the learned Additional Public Prosecutor, this writ petition stands allowed and the order impugned, dated 24.02.2022 stands set aside with a direction to the respondents to reconsider the application of the petitioner under the relevant Government Order as applicable as on today. The respondents will do well to pass orders on merits, within a period of two weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (AD-I)

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21/03/2022

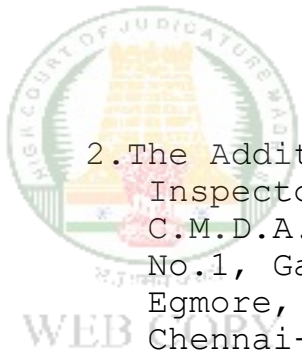
Sub Assistant Registrar(CS-II)

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To

1.The Principal Secretary to Government,
Home (Prison) Department,
Tamilnadu Government Chief Secretariat,
Fort St. George,
Chennai-600 009.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Additional Director General of Police/
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3.The Deputy Inspector General of Prison,
Madurai Range,
Madurai.

4.The Superintendent of Prison,
Madurai Central Prison,
Madurai.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.YASMIN BEGUM, Advocate (SR-13116[F] dated 21/03/2022)

ORDER MADE IN
W.P (MD) No.4885 of 2022
21.03.2022

PK(CO)
GC(21.03.2022) 3P 7C