



W.P.No.33065 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30.11.2023

CORAM :

THE HON'BLE MR. JUSTICE S.S.SUNDAR
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

W.P.No.33065 of 2023

A.Dhanalakshmi .. Petitioner

v.

1. The State represented by
the Secretary to Government
Department of Home (Prison)
Fort St.George, Chennai 600 009
2. The Additional Director General of Prison /
Inspector General of Police
Department of Prison
Thalamuthu Building, CMDA Tower-2
Egmore, Chennai 600 008
3. The Deputy Inspector General of Prison
Department of Prisons and Reformatory work
Vellore Range, Vellore District
4. The Superintendent of Prison
Central Prison, Cuddalore .. Respondents



W.P.No.33065 of 2023

Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in No.1067/Muoo/2023 dated 03.08.2023 passed by the 3rd respondent and quash the same and direct the 3rd respondent to grant ordinary leave for one (1) month for the detenu Azhagar @ Valarndha Azhagar, son of Dharmaraj, aged about 48 years, Convict No.16749 detained at Central Prison, Cuddalore.

For Petitioner :: Mr.Ilayaraja Kandasamy

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind, Advocate

ORDER

(Order of the Court was made by S.S.SUNDAR,J.)

This writ petition is filed challenging the order of the third respondent dated 03.08.2023, rejecting the representation of the petitioner for granting ordinary leave to the petitioner's husband.

2. It is the case of the petitioner that her husband, the convict prisoner, who is detained at Central Prison, Cuddalore, is undergoing life



W.P.No.33065 of 2023

imprisonment for the past 18 years. Since the mother of the convict prisoner is suffering from eye problem and has lost her eye sight and that the doctors had advised her to undergo an operation within a short time, the petitioner made a representation to the third respondent for granting ordinary leave. However, the representation of the petitioner was rejected by admitting the fact that the local police had not given the report and that the Probation Officer had recommended the grant of ordinary leave to the convict prisoner. Challenging the same, the above writ petition is filed.

3. The learned counsel appearing for the petitioner submitted that the respondents cannot reject the request of the petitioner merely because they have not obtained the report from the local police. He also submitted that there cannot be any serious objection for granting ordinary leave, as there is no adverse remarks against the convict prisoner after his confinement. The learned counsel also stated that the bona fide grievance of the petitioner ought to have been considered by the respondents.

4. We have also heard the learned Additional Public Prosecutor



W.P.No.33065 of 2023

appearing for the respondents.

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5. Considering the reasons stated in the affidavit and also the fact that the convict prisoner himself is suffering from physical ailment, this Court is inclined to consider the request of the petitioner favourably, as there is no adverse remarks reported against the convict prisoner. Further the medical officer, who has examined the convict prisoner, has reported that the convict prisoner is suffering from cardiac problems on account of his hypertension and had been affected by cervical spondylitis. In the said circumstances, this Court is inclined to pass the following order:-

- (i) The writ petition stands allowed and the impugned order passed by the 3rd respondent is set aside.
- (ii) The petitioner's husband, namely, Azhagar @ Valarndha Azhagar, S/o Dharmaraj, aged 48 years, Convict No.16749, who is confined in Central Prison, Cuddalore, is granted 30 days ordinary leave without escort.
- (iii) The leave shall commence from 04.12.2023 10.30 a.m., and the convict prisoner shall surrender before the fourth respondent by 5.30 p.m., on 02.01.2024.
- (iv) During the period of leave, the convict prisoner shall also report



W.P.No.33065 of 2023

before the Devaram Police Station, Theni District twice a week at 10.30 a.m., and he shall not indulge in any other illegal or unwarranted activities.

Consequently, W.M.P.No.32758 of 2023 stands closed.

Index : yes/no

(S.S.S.R.,J.)

(S.M.,J.)

Neutral citation : yes/no

30.11.2023

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SS

To

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Devaram Police Station
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W.P.No.33065 of 2023

6. The Public Prosecutor
High Court, Madras



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W.P.No.33065 of 2023

S.S.SUNDAR,J.

AND

SUNDER MOHAN,J.

SS

W.P.No.33065 of 2023

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