



W.P.(MD)No.3939 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 14.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

AND

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P.(MD)No.3939 of 2023

P.Tamilselvi

... Petitioner

Vs.

1.The State of Tamil Nadu,

Represented by its Secretary to Government,

The Home Department, (Prison IV),

State of Tamil Nadu, Fort St.George,

Chennai.

2.The Director General of Police / Director of Prisons

and Correctional Services,

C.M.D.A., Towers II,

No.1, Gandhi Irvin Road, Elumbur,

Chennai-8.

3.The Deputy Inspector General of Prisons, (Head Quarters),

Whannels Road, Egmore,

Chennai-600008.

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4.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

...Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to grant 28 days ordinary leave to the petitioner's elder son, by name Arun @ Arunkumar, S/o.Patchi (Late), now confining as life convict prisoner at Palayamkottai Central Prison, Tirunelveli District based on the G.O.(Ms)No.205, Home (Prison-V) Department, dated 25.04.2022 and enable him to attend the ritual function to the petitioner's husband (late) Patchi in accordance with law.

For Petitioner : Mr.R.Alagumani

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

(Order of the Court was made by ***R.SURESH KUMAR, J.***)

This Writ Petition is filed for a direction to the respondents to grant 28 days ordinary leave to the petitioner's elder son, namely, Arun @ Arunkumar, S/o.Patchi (Late), now confining as life convict prisoner at Palayamkottai Central Prison, Tirunelveli District, based on



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G.O.(Ms)No.205, Home (Prison-V) Department, dated 25.04.2022, enabling him to attend the ritual function to the petitioner's husband (late) Patchi in accordance with law.

2.After notice, when this Writ Petition is taken up for consideration, Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor appearing for the respondents has submitted that a report in detail has been received from the Probation Officer as well as the local Police. According to the said report, the son of the petitioner is the life convict, who murdered his grandfather and by virtue of that there is a family rivalry among the family members and the family members and others are expecting the arrival of the convict. Therefore, after enquiry, these officers have given a report, apprehending that there will be a life threat for the convict at the hands of the other family members. Therefore, even if the leave is granted, 24X7 it may not be possible to track for any such untoward, which is apprehending by the said officers, after due enquiry in the local area concerned. Based on the said report, the respondent police passed an order dated 10.03.2023, rejecting the plea of the petitioner for grant of ordinary leave to her son, who is the life convict. Therefore, citing the said order as



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well as the said report, the learned Additional Public Prosecutor for the respondents would submit that this Writ Petition is to be rejected.

3.We have heard the learned counsel appearing for the petitioner, who would submit that the father of the life convict already expired. Therefore, some last rites as per the religious customs have to be undertaken by him. Only for that purpose, this ordinary leave is sought for. Therefore, it may be considered and if the life convict is granted leave with escort, no such untoward, as apprehended by the officers concerned through the report relied upon by the respondents, would be taken place.

4.We have considered the said submissions made by both sides and we have gone through the report given by the local police as well as the Probation Officer, where they have given a detail about the earlier murder taken place and the family history and there are materials to have the said apprehension on behalf of the respondents that such untoward may take place, if the life convict is given leave as sought for.



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5. In view of the aforesaid, having accepted the said view taken by the respondents, we are inclined to reject this prayer. Hence, this Writ Petition stands dismissed. No costs.

(R.S.K., J.) & (K.K.R.K, J.)

14.03.2023

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
MYR

To

1. The Secretary to Government,
State of Tamil Nadu,
The Home Department, (Prison IV),
State of Tamil Nadu, Fort St. George,
Chennai.

2. The Director General of Police / Director of Prisons
and Correctional Services,
C.M.D.A., Towers II,
No.1, Gandhi Irvin Road, Elumbur,
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3.The Deputy Inspector General of Prisons, (Head Quarters),
Whannels Road, Egmore,
Chennai-600008.

4.The Superintendent of Prison,
Palayamkottai Central Prison,
Tirunelveli District.

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

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