



W.P.(MD)No.7281 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 21.07.2023

CORAM :

THE HONOURABLE MR JUSTICE M.S.RAMESH
AND
THE HONOURABLE MR JUSTICE M.NIRMAL KUMAR

W.P.(MD) No.7281 of 2023

U.Rajeshwari

.. Petitioner

vs.

1.The Deputy Inspector General of Prison,
Cuddalore Range, Cuddalore.

2.The Superintendent of Prison,
Central Prison Cuddalore,
Cuddalore - 607 004.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India praying to issue a writ of mandamus directing the respondents to grant Parole/Leave for one week to the petitioner's husband, namely, P.Uma Shankar, S/o.Pon Pandian (Life Convict No.CT15540) to execute the power deed in petitioner's favour based on the petitioner's representations dated 29.09.2022 and 14.02.2023 respectively.



W.P.(MD)No.7281 of 2023

For Petitioner : Mr.V.M.Jegadeeshapandian

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

ORDER

[Order of the Court was made by M.S.RAMESH, J.]

The petitioner is the wife of the convict prisoner, P.Uma Shankar, S/o.Pon Pandian, Life Convict No.CT15540, who is the legal heir of the petitioner's mother-in-law and the petitioner intends to have a deed of Power of Attorney executed by her husband for the purpose of dealing with her mother-in-law's properties comprised in Document No.3136 of 1997, dated 14.10.1997 and Document Nos.2893 & 2913 of 2000, dated 05.12.2000. It is for this purpose, the petitioner herein seeks for consideration of the representations, wherein, she sought for leave of one week to her husband, for execution of the deed of Power of Attorney and its registration thereof.

2. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents. We have also perused the records placed before this Court.



3. Section 524 of the Tamil Nadu Prison Rules, 1983, grants permission to every convict prisoner, at the discretion of the Superintendent, to sign and attest a Power of Attorney or other statements concerning his properties. Likewise, Section 38 of the Tamil Nadu Registration Act, 1908, exempts certain prisoners from appearing at the Registration Office, for the purpose of Registration. Sub Section (2) of Section 38 of the Tamil Nadu Registration Act, 1908, empowers the Registering Officer, to himself go to the Jail in which the prisoner is confined and examine him or issue a commission for his examination.

4. In view of the Rule 524 of the Tamil Nadu Prison Rules, 1983 and Section 38 of the Tamil Nadu Registration Act, the execution and consequential registration, need not necessarily be done outside the prison. In view of these provisions, the request of the petitioner for release of her husband on leave, does not require consideration.

5. In this background, the petitioner is granted liberty to make a fresh representation to the first respondent herein as well as the concerned Sub



W.P.(MD)No.7281 of 2023

Registrar, before whom she intends to have the execution and registration of sale deed and on receipt of the same, the first respondent as well as the concerned Sub Registrar shall take further course of action in accordance with Section 524 of the Tamil Nadu Prison Rules, 1983 and Section 38 of the Tamil Nadu Registration Act, 1908. Such action, shall be completed within a period of four weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs.

(M.S.R., J.)

(M.N.K., J.)

21.07.2023

NCC : Yes

Index : Yes

Speaking order

mbi/Lm



W.P.(MD)No.7281 of 2023

To

- 1.The Deputy Inspector General of Prison,
Cuddalore Range, Cuddalore.
- 2.The Superintendent of Prison,
Central Prison Cuddalore,
Cuddalore - 607 004.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.
- 4.The Joint Secretary,
Public (La and Order) Department,
Fort St.George, Chennai.



WEB COPY



W.P.(MD)No.7281 of 2023

M.S.RAMESH, J.
and
M.NIRMAL KUMAR, J.

mbi/Lm

W.P.(MD) No.7281 of 2023

21.07.2023