



WEB COPY



W.P.No.864 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH
AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.864 of 2024

A.Dhanalakshmi

...Petitioner

vs.

1.The State Represented by its,
The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai-600 009.

2. The Additional Director General of Prison,
Vellore Range,
Vellore-632 002.

3. The Superintendent,
Central Prison,
Cuddalore-607 004.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondents to extend the ordinary leave for 2 months without escort to the detenue, Azhagar @



W.P.No.864 of 2024

Valarndha Azhagar, S/o Dharmaraj, aged about 48 years, Convict No.16749, detained at Central Prison, Cuddalore.

For Petitioner : Mr.K.Akshaya

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court was made by **M.S.RAMESH, J.**)

When the petitioner had approached this Court earlier, seeking for grant of Ordinary Leave for her husband Azhagar @ Valarndha Azhagar, a coordinate Bench of this Court in W.P.No.33065 of 2023 dated 30.11.2023 had granted thirty days of Ordinary Leave commencing from 04.12.2023 10.30 a.m to 02.01.2024 in the following manner:-

“5. 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 @



W.P.No.864 of 2024

WEB COPY

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 04.12.2020 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 petitioner shall also report 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.”

2. Thereafter, when the petitioner had made a request for extension of leave on the ground that her husband is heart patient, who is taking medical treatment, the leave was extended till 18.01.2024 through an order dated 21.12.2023. Since the leave expires today and the learned counsel for the petitioner also submits that the petitioner's husband has to undergo angioplasty on 25.01.2024, further extension of leave is sought for in the present writ



W.P.No.864 of 2024

petition.

WEB COPY

3. The learned Additional Public Prosecutor produced a copy of the Probationary Officer's Report dated 16.01.2024 which confirms that her husband has to undergo angioplasty and therefore, favourably recommended for consideration of leave to the prisoner.

4. In consideration of the Probation Officer's Report, we are inclined to invoke power under Article 226 of Constitution of India for extending the leave till end of this month.

5. Accordingly, the writ petition stands allowed. Consequently, the petitioner's husband viz., Azhagar @ Valarndha Azhagar, who was confined at Central Prison, Cuddalore and thereafter granted Ordinary Leave, ending on 18.01.2024, is granted further extension of leave till 31.01.2024.

6. On expiry of leave, the petitioner's husband viz., Azhagar @ Valarndha



W.P.No.864 of 2024

Azhagar, shall surrender before the fourth respondent by 5.30 p.m on 31.01.2024. During the period of leave, the petitioner's husband viz., Azhagar @ Valarndha Azhagar shall report before Devaram Police Station, Theni District once in a week at 10.30 a.m., commencing from 22.01.2024. During the period of leave, petitioner's husband viz., Azhagar @ Valarndha Azhagar shall not indulge in any other illegal or unwarranted activities. No costs.

(M.S.R.,J.) (S.M.,J.)
18.01.2024

sr
Index:yes/no
Internet:yes/no

To

- 1.The State Represented by its,
The Secretary to Government of Tamil Nadu,
Home Department,
Fort St.George,
Chennai-600 009.
2. The Additional Director General of Prison,
Vellore Range,
Vellore-632 002.
3. The Superintendent,
Central Prison,
Cuddalore-607 004.



WEB COPY



W.P.No.864 of 2024

M.S.RAMESH, J
and
SUNDER MOHAN, J

sr

W.P.No.864 of 2024

18.01.2024