



W.P.No.6555 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.6555 of 2024

A. Pachaiyammal

... Petitioner

Vs.

1. The Home Secretary,
Home Department,
Secretariat, Fort. St. George,
Chennai – 600 009.
2. Additional Director General of Police and
Inspector General of Prisons,
Whannels Road, Egmore, Chennai – 600 008.
3. The Superintendent of Prison,
Central Prison, Puzhal, Chennai District.
4. The Inspector of Police,
All Women Police Station,
Viruthachalam, Cuddalore District.
5. The Superintendent of Police,
Office of the Superintendent of Police,
Cuddalore District.



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6. The Deputy Commissioner of Police,
Armed Reserve Police,
St. Thomas Mount, Chennai.

... Respondents

*(Respondents 5 and 6 are suo moto impleaded as per the
order of this Court dt. 20.03.2024)*

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, calling for the records and quash the proceedings vide No.2251/Tha.Ku.3/2024 dated 23.02.2024 passed by the 3rd respondent and further direct the respondents to grant 15 days ordinary leave to the petitioner's son Convict Rajadurai, S/o. Arumugam (CT No.3782) confined in 3rd respondent prison based on the petitioner's representation dated on 24.01.2024.

For Petitioner : Mr.P. Muthamizhselvakumar

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

ORDER

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

On the ground that the presence of the petitioner's son, who is a life convict, is required for the purpose of applying for Aadhar Card, which is a pre-requirement for her grand son to participate in Xth



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Standard Public Examination scheduled on 26.03.2024, she had sought for grant of ordinary leave. Her request came to be rejected, through the impugned order No.2251/Tha.Ku3/2024 dated 23.02.2024, which is put under challenge in the present Writ Petition.

2. The only reason assigned in the impugned order for rejection of the petitioner's request is that the petitioner's son had exhausted the entire emergency leave of 15 days and therefore, her request in this regard cannot be considered. The petitioner had originally made an application seeking for grant of ordinary leave alone. This application, however, has been considered to be one seeking emergency leave and by quoting the ineligibility of the prisoner to claim for emergency leave, her request has been rejected.

3. We are unable to comprehend as to how an application seeking for ordinary leave can be converted into emergency leave and rejected. Curiously, it is also brought to our notice that the life convict is otherwise eligible for grant of ordinary leave. While that be so, it was improper on



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the part of the jail authorities in having rejected the application seeking for ordinary leave by stating that he is ineligible for emergency leave.

4. In the Probation Officer's Report, it is stated that if the life convict is granted leave, there is a serious threat to his life and liberty from his relatives. This apprehension of the Probation Officer could be redressed, if the leave is granted to the prisoner with escort.

5. Accordingly, there shall be a direction to the respondents herein, to grant Ordinary Leave to the petitioner's son, namely Rajadurai, S/o.Arumugam, bearing CT No.3782, confined in Central Prison, Puzhal, Chennai, for a period of 3 days, with escort, commencing from 21.03.2024 till 23.03.2024. After expiry of the Ordinary Leave, the life convict shall surrender before the 3rd respondent herein, on 23.03.2024 before 05.00 P.M. The life convict shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.



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6. For effective implementation of the order, insofar as it relates to providing escort, the Superintendent of Police, Cuddalore District, and the Deputy Commissioner of Police, Armed Reserve Police, St. Thomas Mount, Chennai, are suo moto impleaded as party respondents.

[M.S.R., J] [S.M., J]

20.03.2024

Index: Yes/No

Neutral Citation: Yes/No

Speaking order/Non-speaking order

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Note: (1) *Issue Order Copy on 20.03.2024*

(2) *Registry is directed to carry out necessary amendment in the cause title.*



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To

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6. The Deputy Commissioner of Police
Armed Reserve Police,
St. Thomas Mount, Chennai.
7. The Public Prosecutor,
High Court, Madras.



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

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