



WEB COPY

W.P.No.25324 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 18.09.2024**

CORAM

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**AND**

**THE HONOURABLE MRS.JUSTICE N.MALA**

**W.P.No.25324 of 2024**

**and**

**W.M.P.No.27671 of 2024**

Perumal

... Petitioner

Vs.

1.The Government of Tamil Nadu,  
Represented by its Secretary,  
Home (Prison) Department,  
Fort St. George,  
Chennai – 600 009.

2.The Additional Director General of Prisons,  
Whannels Road,  
Egmore,  
Chennai – 600 008.

3.The Superintendent of Prison,  
Central Prison, Coimbatore,  
Coimbatore – 641 018.

... Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India for



W.P.No.25324 of 2024

issuance of a Writ of Certiorarified Mandamus, calling for the records of the 3<sup>rd</sup> respondent pertaining to the order made in No.8386/THA.KU.3/2024, dated 20.06.2024 and quash the same and to direct the 3<sup>rd</sup> respondent to grant further 40 days.

For Petitioner : Mr.J.Franklin

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

### **ORDER**

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

The writ petition has been filed challenging the order passed by the 3<sup>rd</sup> respondent dated 20.06.2024 and to grant leave for further 40 days to the petitioner.

2. The prisoner has already spent about 17 years in the prison. There is no adverse remarks against the convict prisoner inside the prison. He had availed ordinary leave for 40 days between 11.03.2024 and 20.04.2024 for the purpose of searching kidney donor for his son, who has to undergo transplantation. Since he was unsuccessful, the prisoner seeks further leave on the same ground.



W.P.No.25324 of 2024

WEB COPY

3. The learned Additional Public Prosecutor appearing on behalf of the respondents would submit that there is no adverse remarks against the prisoner inside the prison and the reason stated also not found to be false. The son of the prisoner has to undergo kidney transplantation and he is in search of a donor.

4. Considering the medical urgency involved, we are inclined to permit the petitioner to avail 20 days ordinary leave on the following conditions;

- (1) The respondents are directed to release the Convict Prisoner viz., Perumal S/o Muthusamy, aged about 60 years, confined at Central Prison, Coimbatore, on Ordinary Leave for a period of twenty (20) days without escort i.e., from 23.09.2024 to 12.10.2024.
- (2) The Convict Prisoner shall be released on 23.09.2024 at 10.00 A.M. and surrender before the Superintendent of Prisons, Central Prison, Coimbatore on 12.10.2024 at 05.00 P.M.
- (3) The Convict Prisoner is directed to report before the Inspector of Police, Usilampatti Police Station Madurai District, once in a week i.e., on every Monday at 05.00 P.M, during the period of leave.



W.P.No.25324 of 2024

WEB COPY

(4) During the leave period, the Convict Prisoner shall abide by all the conditions prescribed in the Jail Manual.

(5) The Convict Prisoner shall utilize the leave only for the ground on which it has been granted and shall not indulge in any other activities.

5. With the above directions, this Writ Petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

[S.M.S., J.] [N.M., J.]  
18.09.2024

Jeni  
Index : Yes  
Neutral Citation : Yes / No  
Speaking order / Non-speaking order

To

1. The Secretary,  
The Government of Tamil Nadu,  
Home (Prison) Department,  
Fort St. George,  
Chennai – 600 009.
2. The Additional Director General of Prisons,  
Whannels Road,  
Egmore, Chennai – 600 008.
3. The Superintendent of Prison,  
Central Prison, Coimbatore,  
Coimbatore – 641 018.



W.P.No.25324 of 2024

4. The Public Prosecutor,  
High Court, Madras.



WEB COPY



W.P.No.25324 of 2024

**S.M.SUBRAMANIAM, J.**  
**and**  
**N.MALA, J.**

Jeni

**W.P.No.25324 of 2024**

**18.09.2024**