



WEB COPY



W.P. No.33101 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 05.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S.RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P. No.33101 of 2023

Govindammal

...Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary,
Home Department, Fort St. George,
Chennai 600 009
2. The Deputy Inspector General of Prisons,
Chennai Range, Egmore, Chennai 600 008
3. The Superintendent of Central Prison,
Central Prison,
Puzhal, Chennai 600 066.

... Respondents

Prayer :- Writ Petition filed under Section 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus calling for the records made in No.7806/Tha.ku.2/2023 dated 02.11.2023 passed by the Superintendent of Central Prison, Puzhal-1, Chennai 600 066, the third respondent herein, and quash the same as illegal and direct the first respondent to grant one month leave to the Lifter T.Suresh on medical ground now confined in Central Prison, Puzhal-



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1, Chennai 66.

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For Petitioner : Mr.A.Sivakumar @ Sivaaji
For Respondents : Mr.E. Raj Thilak
Additional Public Prosecutor

ORDER

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

This writ petition has been filed for issuance of a Writ of Certiorarified Mandamus calling for the records made in No.7806/Tha.ku.2/2023 dated 02.11.2023 passed by the third respondent herein, quash the same as illegal and direct the first respondent to grant one month leave to the petitioner's son, Lifter T.Suresh, on medical ground, who is now confined in Central Prison, Puzhal-1, Chennai 66.

2. It is the case of the petitioner that pursuant to the conviction in S.C.No.73 of 2009, her son T. Suresh, has been confined in the Central Prison, Puzhal, Chennai. The petitioner herein had made an application seeking for grant of ordinary leave to her son and the same came to be rejected by the 3rd respondent herein through an impugned order No.7806/Tha.ku.2/2023 dated



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02.11.2023. The reason assigned in the order of rejection is that the petitioner's son had not maintained good conduct during the preceding twelve months in accordance with Rule 21(k) of the Tamil Nadu Suspension of Sentence Rules, 1982.

3. It is the submission of the learned counsel for the petitioner that admittedly the petitioner's son was involved in a prison offence and a case in Crime No.935/2022 is registered for the offence under Section 42 of the Prisons Act and that since twelve months period have elapsed, the petitioner's son would be entitled for grant of ordinary leave. According to him, the petitioner's son has not involved in any other prison offence and that he has been maintaining good conduct till date.

4. The reason assigned in the impugned order cannot be strictly found fault with since admittedly the petitioner's son had involved himself in a crime, when he was inside the prison, on 24.12.2022 and the impugned order was passed on 02.11.2023, i.e., within twelve months period and in view of Rule 21(k) of the Tamil Nadu Suspension of Sentence Rules, 1982.



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6. In the light of the above observations and findings, the Writ Petition stands closed with liberty to the petitioner or her son to make a representation to the 2nd and 3rd respondents herein seeking for grant of ordinary leave to her son and on receipt of the same, the concerned respondent shall consider it on its own merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of the said representation.

(M.S.R., J.) (S.M., J.)
05.01.2024

bga
Internet : Yes
Index : Yes / No



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To

1. The State of Tamil Nadu,
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2. The Deputy Inspector General of Prisons,
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