



W.P.(MD).No.6003 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 12.03.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

W.P.(MD).No.6003 of 2024

Geetha

.. Petitioner

Vs.

1.The Secretary to Government,
The Home Department, (Prison IV),
State of Tamil Nadu,
Fort St.George,
Chennai.

2.The Deputy Inspector General of Prison,
O/o.Deputy Inspector General of Prison,
Madurai Range,
Madurai.

3.The District Collector,
Dindigul District,
Dindigul.

4.The Superintendent of Prison,
Madurai District Prison,
Madurai.



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5. The Inspector of Police,
Thaadikombu Police Station,
Dindigul.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, directing the respondents 2 to 4 to provide emergency leave (Parole) to the petitioner's husband Rajesh confined in the 4th respondent prison vide Detention Order passed by the 3rd respondent in Detention Order No.3/2024 dated on 07.01.2024 for a period of three days to attend the 30th day of funeral ceremony and pay his final rites to his father namely Pinna Thevar based on the petitioner's representation dated 05.03.2024 within the time limit may be stipulated by this Court.

For Petitioner : Mr.S.P.Naveenkumar

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

The present Writ Petition is filed for Mandamus seeking direction to the respondents 2 to 4 to grant emergency leave to the detenu/petitioner's husband to attend the 30th day funeral ceremony of his father.



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2. The petitioner is the wife of the detenu, namely, Rajesh, who is detained under Act 14 of 1982. The father of the detenu expired on 14.02.2024. Hence, the State has granted one day emergency leave with escort to the detenu to attend the funeral. Now, the petitioner has made a representation to the prison authorities seeking to grant emergency leave for her husband to perform the 30th day rituals of his father's death.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the request of the petitioner could not be entertained since the reason cited by the petitioner does not fall within the parameters prescribed under the Rule for granting emergency leave to a detenu detained under the Preventive Detention Act.

4. This Court, after hearing the learned counsel for the petitioner and the learned Additional Public Prosecutor and considering the nature of the request and the reason, in exercise of the power under Article 226 of the Constitution of India, directs the prison authorities/respondents to consider granting emergency leave for one day with escort to the detenu/petitioner's



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husband on 14.03.2024 enabling him to perform the 30th day rituals of his father's death. The detenu shall be allowed to leave the prison by 7.00 AM on 14.03.2024 with escort and shall return to the prison by 7.00 PM on the same day and report to the prison authorities.

5. With the above direction, this Writ Petition is disposed of. There shall be no order as to costs.

(G.J.,J.) (C.K.,J.)
12.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
Lm

Note: Issue order copy by 12.03.2024.

To

1.The Secretary to Government,
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Fort St.George,
Chennai.

2.The Deputy Inspector General of Prison,
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3.The District Collector,
Dindigul District,
Dindigul.

4.The Superintendent of Prison,
Madurai District Prison,
Madurai.

5.The Inspector of Police,
Thaadikombu Police Station,
Dindigul.

6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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