



W.P(MD)No.13117 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.P(MD)No.13117 of 2024
and
W.M.P(MD)No.11626 of 2024**

R.Chandrasekar

... Petitioner

-VS-

1.The State of Tamilnadu,
Represented by the Secretary to Government,
Home (Prison-IV) Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Deputy Inspector General of Prisons and
Correctional Services, Madurai Range,
Madurai Central Prison Campus,
New Jail Road, Madurai-625 016.

3.The Superintendent of Prison,
Central Prison,
Palayamkottai, Tirunelveli.

4.The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.

... Respondents



W.P(MD)No.13117 of 2024

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the second respondent in order No.88/Utha.2/2024, dated 12.01.2024 and quash the same and consequently direct the second respondent to release the petitioner's brother by name Jaisankar, S/o.Rasaiaya and to direct the respondents to grant ordinary leave of 40 days without police escort to Mr.Jaisankar, S/o.Rasaiaya, Lct.No.6518 as per the Rule 22 of the Suspension of Sentence Rules, 1982, amended Vide G.O(Ms)No.205, Home (Prison-V) Department, dated 25.04.2022.

For Petitioner : Mr.P.Karthick

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The present Writ Petition is filed challenging the impugned order passed by the second respondent in order No.88/Utha.2/2024, dated 12.01.2024 and quash the same and consequently direct the second respondent to grant ordinary leave of 40 days without police escort to Mr.Jaisankar, S/o.Rasaiaya, Lct.No.6518 as per the Rule 22 of the Suspension of Sentence Rules, 1982, amended Vide G.O(Ms)No.205, Home (Prison-V) Department, dated 25.04.2022.



W.P(MD)No.13117 of 2024

WEB COPY

2. The case of the petitioner is that he is the brother of the convict prisoner Jaisankar and he seeks for ordinary leave of 40 days to his brother for the purpose of partition on the properties of their family and also for doing the final rites of their deceased mother and father along with his family members. Therefore, he seeks 40 days ordinary leave for his brother. The second respondent has rejected the said request through the impugned order dated 12.01.2024. Challenging the said rejection order, the petitioner has filed the present writ petition seeking 40 days ordinary leave for his brother.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the Probationary Officer has recommended the case of the petitioner, but the respondent police apprehending danger to the prisoner by the family members of the deceased wife has objected to grant ordinary leave and thereby the second respondent has rejected the request of the petitioner. He would further submit that the prisoner has not gone for any leave for the past 21 years.



W.P(MD)No.13117 of 2024

WEB COPY

4. We have heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents and perused the materials available on record.

5. We find that the incident happened 21 years back, though the Probationary Officer has recommended the petitioner's case, the jurisdictional police without any basis has given a contradictory statement which we feel is without any justification. Taking into consideration the request of the petitioner and also taking into sympathetic and humanitarian consideration, this Court is inclined to direct the respondents 2 & 3 to grant ordinary leave for a period of 10 days to the jail inmates without escort.

6. In the result,

(i) The writ petition is allowed.

(ii) The impugned order dated 12.01.2024 passed by the second respondent, is set aside.

(iii) The convict prisoner namely Mr.Jaisankar, S/o.Rasaiaya, Lct.No.6518 shall be granted ordinary leave for a period of ten (10) days.



WEB COPY

W.P(MD)No.13117 of 2024

(iv) He shall sign before the Inspector of Police, Panakudi Police Station, Tirunelveli District, daily at evening 06.30 p.m., during the leave period.

(v) He shall report back to the Superintendent of Prison, Central Prison, Palayamkottai on completion of leave period.

(vi) The petitioner shall produce all necessary documents, along with a copy of this order, before the jail authorities.

(vii) During the leave period, the convict prisoner shall abide by all the conditions prescribed in the jail manual.

(viii) No costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes / No

[A.D.J.C., J.] [K.R.S., J.]
20.06.2024



W.P(MD)No.13117 of 2024

WEB COPY : Yes / No
Internet : Yes / No
am

To:

- 1.The Secretary to Government,
Home (Prison-IV) Department,
Secretariat, Fort St. George,
Chennai-600 009.
- 2.The Deputy Inspector General of Prisons and
Correctional Services, Madurai Range,
Madurai Central Prison Campus,
New Jail Road,
Madurai-625 016.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli.
- 4.The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.



WEB COPY



W.P(MD)No.13117 of 2024

A.D.JAGADISH CHANDIRA, J.
AND
K.RAJASEKAR, J.

am

W.P(MD)No.13117 of 2024

20.06.2024