



W.P(MD) No.21353 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date: 12.09.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE J.SATHYA NARAYANA PRASAD**

W.P(MD) No.21353 of 2024

Pechiammal

... Petitioner

Vs

1. The Government of Tamil Nadu
Rep. by its Secretary to Government
Home(Prison IV) Department
Fort St.Geroge,
Chennai -9
2. The Additional Director General or Prisons
Thalamuthu Natarajan Maaligai
2nd Floor, Gandhi Irwin Road
Egmore, Chennai -8
3. The Deputy Inspector General of Prisons,
Vellore Range
(*suo motu impleaded vide order dated 12.09.2024*)
4. The Superintendent of Prison
Central Prison,
Cuddalore

... Respondents



W.P(MD) No.21353 of 2024

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents to release the petitioner's husband on parole for a period of 90 days by name C.Thamotharan(C.P.No.14883) son of Chitambaram, aged about 56 years, now lodged and confined at Central Prison, Cuddalore by considering the petitioner's representation dated 19.03.2024 in accordance with law, within the time stipulated by this Court.

For Petitioner : Mr.S.Sarvagan Prabhu

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor.

ORDER

The writ petition has been filed in the nature of Mandamus seeking direction against the respondents to release the husband of the petitioner, C.Thamotharan(C.P.No.14883), now confined at Central Prison, Cuddalore for a period of 90 days by considering the representation given by the petitioner dated 19.03.2024.

2. In the affidavit filed in support of the petition, the learned counsel for the petitioner had stated that the husband of the petitioner C.Thamotharan/C.P.No. 14883 had been convicted for the offences under Sections 148,427,324 and 302 of IPC



W.P(MD) No.21353 of 2024

and had been in prison for the past nearly 23 years. It had been stated that though the petitioner is working as a government employee she is struggling with three children and also she is suffering from heart disease and is also a diabetic patient. She also stated that she is arranging marriage for her children. It had been further stated that her husband also suffered heart attack and is also taking treatment for the same.

3. The learned Additional Public Prosecutor had forwarded a copy of the proceedings by Deputy Inspector General of Prisons, Vellore Range dated 22.07.2027 in proceedings No. 1872/MP.2/2024-1, by which proceedings the representation of the petitioner had been rejected.

4. But, however, a careful perusal of the said proceedings would indicate that the Probationary Officer had given a report that the reasons given are true and genuine.

5. In view of that particular fact and since the petitioner had been in custody for nearly 23 years as on date, taking into consideration that he is actually eligible for ordinary leave for 28 days, we would exercise our discretion and convert the writ petition into certiorarified mandamus and interfere with the order of the Deputy Inspector General of Prisons, Vellore Range dated 22.07.2024 in proceedings No.1872/K.c/2024-1 and direct grant of ordinary leave to the husband of the



W.P(MD) No.21353 of 2024

petitioner C.Thamotharan(C.P.No.14883) for the period of 28 days. The period of ordinary leave would commence from 18.09.2024 to 17.10.2024.

(*)6.The husband of the petitioner C.Damodharan, Convict Prisoner No. 14883, is directed to sign at 10.30 a.m. everyday before the Thalamuthu Nagar Police Station at Thoothukudi District from 19.09.2024 till 17.10.2024.

7. Since we had passed order interfering with the order of the Deputy Inspector General of Prisons, Vellore Range the said official Deputy Inspector General of Prisons, Vellore Range is *suomotu* impleaded as the third respondent.

8. Registry may carry out necessary amendment before issuing order copy by impleading the Deputy Inspector General of Prisons, Vellore Range as third respondent and re-arrange the third respondent/existing third respondent/Superintendent of Central Prison, Cuddalore as fourth respondent.

9. Observing as above, the Writ Petition stands disposed of .

Sd/-

Assistant Registrar (CS III)

(*)Corrected / Amended as per the order of this Court dated 18/09/2024 made in W.P(MD) No.21353 of 2024

Sd/-

Assistant Registrar (CS I)

// True Copy //



WEB COPY



W.P(MD) No.21353 of 2024

18/09/2024
Sub Assistant Registrar
(CS-I/II/III/IV)

aav

To

(*)To be substituted to the Order already despatched on 13.09.2024

1. The Secretary to Government,
Government of Tamil Nadu
Home(Prison IV) Department
Fort St.Geroge,
Chennai -9
2. The Additional Director General or Prisons
Thalamuthu Natarajan Maaligai
2nd Floor, Gandhi Irwin Road
Egmore, Chennai -8
3. The Deputy Inspector General of Prisons,
Vellore Range
4. The Superintendent of Prison
Central Prison,
Cuddalore
- 5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:

The Inspector of Police,
Thalamuthu Nagar Police Station at Thoothukudi District.

+1 CC to M/s.S.SARVAGAN PRABHU, Advocate (SR-52101[F] dated 18/09/2024)

W.P(MD) No.21353 of 2024



W.P(MD) No.21353 of 2024

12.09.2024

BV(13/09/2024) 6P/ 7C

RD(18/09/2024)6P/ 8C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.