



W.P(MD) No.24581 of 2024

WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date : 24.10.2024

CORAM

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MS.JUSTICE R. POORNIMA**

W.P(MD) No.24581 of 2024

Sengaisamy

... Petitioner

Vs

1. The Principal Secretary to Government
Home, Prohibition and Excise(Prison-IV)Department
Fort.St.George,
Chennai – 600 009.
 2. The Director General of Prisons
Director General of Prisons and Correctional Services,
O/o. Tamil Nadu Prisons Head Quarters
Whannels Road,
Egmore, Chennai- 600 008.
 3. The Deputy Inspector General of Prison
Madurai Range, Central Prison Campus,
Madurai. 625 016
 4. The Superintendent of Prisons,
Central Prison, Madurai
 5. The Superintendent of Police
District Police Office,
Sivagangai
- ... Respondents



W.P(MD) No.24581 of 2024

WEB COPY

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent vide his proceedings in No.531/உத2/2024 dated 11.09..2024 and quash the same as illegal and void and consequently grant 21 days ordinary leave without police escort to the petitioner namely Sengaisamy, S/o.Thandithevar, aged about 53 years life convict, C.P.No.6054 now confined at Central Prison, Madurai- 625 016 forthwith a considering his representation dated 30.07.2024.

For Petitioner : Mr.C.Karthikeyan

For Respondents : Mr.A.Thiruvadikumar

Additional Public Prosecutor.

ORDER

The Writ Petition has been filed in the nature of Certiorarified Mandamus seeking to call for the records of the third respondent dated 11.09.2024 in No.531/உத2/2024 and quash the same and direct the respondent to grant ordinary leave for a period of 21 days to the



W.P(MD) No.24581 of 2024

WEB COPY

petitioner namely Sengaisamy, S/o.Thandithevar, aged about 53 years
life convict, C.P.No.6054 now confined at Central Prison, Madurai.

2. The petitioner had earlier given representation dated 30.07.2024, which, by the aforementioned proceedings the third respondent had rejected.

3. In the affidavit filed the petitioner had stated that the he has to make marriage arrangement for his daughter, therefore he had sought leave on that ground. In the proceedings of the third respondent, which is impugned in the writ petition, it had been stated that the petitioner had preferred a further appeal before the Hon'ble Supreme Court in Diary No.33253 of 2024.

4. In view of that particular fact, we had sought for further report about the genuinity of the reason and whether any hostility still prevails in that area.



W.P(MD) No.24581 of 2024

WEB COPY

5. We have received a report from the Probationary Officer stating that it is a fact that arrangements are being contemplated for the marriage of the daughter of the petitioner herein.

6. The learned Additional Public Prosecutor forwarded a copy of the written instructions given by the Inspector of Police, Thirupuvam Police station, who had stated that in the police station no specific information had been received on the hostility but stated that if he is still granted leave the same should be granted with escort. However we are informed that the offences for which the petitioner stood convicted took place in the year 2003. It has also been stated that on an earlier occasion leave had been granted to the petitioner and the petitioner had always complied with the conditions imposed by this Court.

7. We are also note that the affidavit had been filed by the petitioner himself and therefore he would act on the responsibility over the averments made in the affidavit.



W.P(MD) No.24581 of 2024

WEB COPY

8. Taking into consideration all these factors, we quash the order of the third respondent dated 11.09..2024 and grant ordinary leave to the petitioner namely Sengaisamy, S/o.Thandithevar, aged about 53 years life convict, C.P.No.6054 for a period of 21 days without escort commencing from 29.10.2024 @ 11.00 am., to 18.11.2024 @5.00 pm., However inorder to ensure safety to the petitoiner, the petitioner shall report before the Inspector of Police, Thirupuvanam Police Station, Sivagngai District everyday at 10.30 a.m.,and 5.30 pm., without fail.

9. In the result, the Writ Petition stands allowed.

(C.V.K., J.) (R.P, J.)
24.10.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
aav

Note: Issue order copy on 28.10.2024



W.P(MD) No.24581 of 2024

To

WEB COPY

1. The Principal Secretary to Government
Home, Prohibition and Excise(Prison-IV)Department
Fort.St.George,
Chennai – 600 009.
2. The Director General of Prisons
Director General of Prisons and Correctional Services,
O/o. Tamil Nadu Prisons Head Quarters
Whannels Road,
Egmore, Chennai- 600 008.
3. The Deputy Inspector General of Prison
Madurai Range, Central Prison Campus,
Madurai. 625 016
4. The Superintendent of Prisons,
Central Prison, Madurai
5. The Superintendent of Police
District Police Office,
Sivagangai
6. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Copy to
The Inspector of Police
Thirupuvanam Police Station
Sivagangai Police Station.



WEB COPY



W.P(MD) No.24581 of 2024

C.V.KARTHIKEYAN, J.
and
R.POORNIMA, J.

aav

W.P(MD) No.24581 of 2024

24.10.2024