



WEB COPY



W.P.No.2507 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.2507 of 2025
and W.M.P.No.2828 of 2025

Varadharaj

... Petitioner

Vs.

The State represented by its

1.The Secretary to Government of Tamil Nadu,
Home Department, Fort St. George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Chennai Range, Egmore,
Chennai – 600 008.

3.The Superintendent,
Puzhal Central Prison-1,
Chennai – 600 066.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the pertaining to the impugned order No.434952/Tha.Ku2/2024, dated 25.10.2024, issued by the 3rd respondent and quash the same and



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consequently direct the respondents to grant ordinary leave of 30 days without escort to the detenue, Vasanthakumar, S/o.Varatharaj, aged about 26 years, CT.No.9071, confined at Central Prison, Puzhal-I.

For Petitioner : Ms.K.Akshaya
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

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

This Writ Petition has been filed challenging the impugned order dated 25.10.2024, rejecting the representation of the petitioner's son/convict prisoner dated 14.10.2024.

2. The reason assigned in the impugned order for rejecting the convict prisoner's request for grant of ordinary leave to him is that since he was convicted for the offence under NDPS Act, he is not eligible for ordinary leave as per Rule 21(h)(3) of the Tamil Nadu Suspension of Sentence Rules, 1982.



3. The learned counsel for the petitioner submitted that the petitioner/father of the convict prisoner has to undergo treatment with regard to his medical ailments and that the petitioner requires his son's presence for his treatment and to make arrangements for hospital funds and therefore, he sought for an ordinary leave for a period of 30 days for his son.

4. The learned Additional Public Prosecutor has produced particulars of the convict prisoner dated 27.01.2025, as well as the report of the Probation Officer dated 13.11.2024, which are not in favour of the convict prisoner and the Probation Officer also has not recommended for grant of ordinary leave to the petitioner's son.

5. The Hon'ble Supreme Court, in the case of '*Dadu Alias Tulsidas Vs. State of Maharashtra*' reported in '*(2000) 8 Supreme Court Cases 437*', held that Section 32-A of NDPS Act would not affect the powers of the authorities to grant parole. Considering the aforesaid decision, a Co-ordinate Bench of this Court, in **W.P.No.22285 of 2023**, had granted leave to the convict prisoner in exercise of powers under Article 226 of the Constitution of India.



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6. In view of the aforesaid decisions of the Hon'ble Supreme Court, as well as of this Court, we are inclined to consider the prayer sought for in this Writ Petition.

7. Accordingly, the impugned order dated 25.10.2024 passed in No.434952/Tha.Ku2/2024 by the third respondent, is hereby quashed. Consequently, there shall be a direction to the respondents herein to grant 21 days ordinary leave *“without escort”* to the petitioner's son/convict prisoner namely Vasanthakumar, S/o.Varadharaj, aged 26 years, Central Prison-1, Puzhal, Chennai – 66, commencing from **18.02.2025 to 10.03.2025**, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. V-4 Rajamangalam Police Station, Chennai, daily at 10.30 A.M. After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on **10.03.2025** before 05.30 P.M. The prisoner shall utilize the leave only for the purpose for which it has been granted and shall not indulge in any other activities.



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8. With the above direction, the Writ Petition stands allowed. No costs. Connected miscellaneous petition is closed.

[M.S.R, J.]

[N.S, J.]

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Index: Yes/No

Speaking order/Non-speaking order

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Note: Issue Order Copy on 17.02.2025.

To

1.The Secretary to Government of Tamil Nadu,
Home Department, Fort St. George,
Chennai – 600 009.

2.The Deputy Inspector General of Prison,
Chennai Range, Egmore,
Chennai – 600 008.

3.The Superintendent,
Puzhal Central Prison-1,
Chennai – 600 066.

4.The Inspector of Police,
V-4 Rajamangalam Police Station,
Chennai.

5.The Public Prosecutor,
High Court, Madras.



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and
N. SENTHILKUMAR, J.

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