



W.P.No.4560 of 2025

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE N. SENTHILKUMAR

W.P.No.4560 of 2025
and W.M.P.No.5081 of 2025

M.Manokaran

... Petitioner

Vs.

1.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Head Quarters,
Whannels Road,
Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison-1,
Puzhal, 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, calling for the records in the order dated 27.01.2025 bearing No.665980/tha.ku.2/2025 passed by the respondent No.2 and quashing the same and directing the respondents to grant ordinary leave for 28 days



W.P.No.4560 of 2025

without escort to the petitioner namely Manokaran, S/o.Mayazhagu, convict prisoner, convict No.10049, Central Prison, Puzhal.

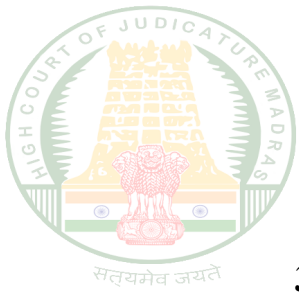
For Petitioner : Mrs.S.Nadhiya
For Respondents : Mr.R.Muniyapparaj,
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

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

This Writ Petition has been filed challenging the impugned order dated 27.01.2025, rejecting the representation of the petitioner/convict prisoner dated 20.01.2025.

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.



W.P.No.4560 of 2025

WEB COPY

3. The learned counsel for the petitioner submitted that the petitioner/convict prisoner has sought for ordinary leave since his mother has to undergo eye surgery for which purpose he needs to arrange funds and also to arrange educational expenses of his daughter.

4. The learned Additional Public Prosecutor has produced the particulars of the life convict dated 12.02.2025, as well as the report of the Probation Officer dated 05.02.2025. The Probation Officer in his report has stated that the reason assigned by the petitioner/convict prisoner in his representation is true.

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.

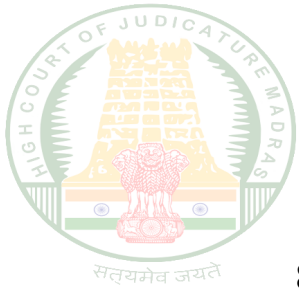


W.P.No.4560 of 2025

WEB COPY

6. In view of the aforesaid decisions of the Hon'ble Supreme Court, as well as of this Court and that the Probation Officer in his report has stated the reason of the petitioner as genuine, we are inclined to grant 21 days ordinary leave to the petitioner/convict prisoner.

7. Accordingly, the impugned order dated 27.01.2025 passed in No.665980/tha.ku.2/2025 by the second 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/convict prisoner namely Manokaran, S/o.Mayazhagu, Convict No.10049, confined at Central Prison, Puzhal, commencing from **01.04.2025 to 21.04.2025**, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. D3 Koodal Pudur Police Station, Anaiyur, Madurai, **daily at 10.30 A.M.** After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on **21.04.2025** 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.



W.P.No.4560 of 2025

WEB COPY

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

[M.S.R, J.]

[N.S, J.]

17.03.2025

Index: Yes/No

Speaking order/Non-speaking order

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Note: Issue Order Copy on 28.03.2025.

To

1.The Deputy Inspector General of Prisons,
Chennai Range, Prison Head Quarters,
Whannels Road, Egmore, Chennai – 600 008.

2.The Superintendent of Prisons,
Central Prison-1,
Puzhal, Chennai – 600 066.

3.The Inspector of Police,
D3 Koodal Pudur Police Station,
Anaiyur, Madurai.

4.The Public Prosecutor,
High Court, Madras.



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W.P.No.4560 of 2025

M.S.RAMESH, J.
and
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W.P.No.4560 of 2025

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