



W.P.No.5948 of 2025

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.5948 of 2025
and W.M.P.No.6541 of 2025

I.Arulseelan

... Petitioner

Vs.

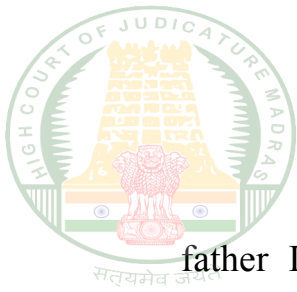
1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.

2.The Deputy Inspector General of Prisons,
Madurai Range, Madurai – 625 001.

3.The Superintendent of Prison,
Central Prison, Palayamkottai – 627 007.

... 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 relating to the proceedings in No.971/Uth2/2024 by the 2nd respondent dated 04.01.2025 and quash the same and direct the 2nd respondent to grant 28 days ordinary leave without escort to the petitioner's



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father Irudhayathan, S/o.Alexandar, Convict No.4457, PID No.346247,
who is currently lodged in Central Prison, Palayamkottai.

For Petitioner : Mr.P.M.Basil
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 04.01.2025, rejecting the representation of the petitioner's father/convict prisoner dated 30.11.2024.

2. The reason assigned in the impugned order for rejecting the convict prisoner's request for grant of ordinary leave to him is that the Probation Officer in his report has not recommended to grant leave to the convict prisoner.

3. The learned counsel for the petitioner submitted that the petitioner has sought for an ordinary leave for his father/convict prisoner, as the convict

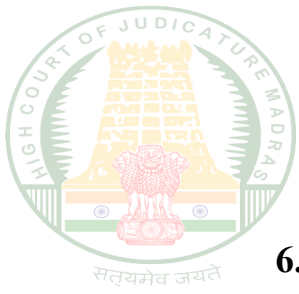


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prisoner needs to transfer his residence in the name of his son/petitioner. The learned counsel further submitted that though the convict prisoner has undergone more than 5 years of imprisonment, he has not availed any leave so far.

4. The learned Additional Public Prosecutor has produced the particulars of the convict prisoner dated 21.02.2025, as well as the report of the Probation Officer dated 05.03.2025. The Probation Officer in his report has stated that the reasons assigned by the convict prisoner in his representation are not true and hence, he has not recommended to grant leave to the convict prisoner.

5. Though the Probation Officer, in his report, has not recommended to grant leave to the convict prisoner, by taking into consideration the fact that the convict prisoner has undergone more than 5 years of imprisonment without availing any leave, we are inclined to grant 21 days of ordinary leave to the petitioner's father/convict prisoner, by invoking our powers under Article 226 of the Constitution of India.



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6. Accordingly, the impugned order dated 04.01.2025 passed in No.971/Uth2/2024 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's father/convict prisoner namely Irudhayathan, S/o.Alexander, Convict No.4457, PID No.346247, confined at Central Prison, Palayamkottai, commencing from **26.03.2025 to 15.04.2025**, with a condition that the convict prisoner shall report before the jurisdictional Police i.e. Kanniyakumari Police Station, **daily at 10.30 A.M.** After expiry of the Ordinary Leave, the convict prisoner shall surrender before the Jail Authority on **15.04.2025** 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.

7. 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 25.03.2025.



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WEB COPY
To

- 1.The Home Secretary,
Home Department (Prison),
Secretariat, Fort St.George,
Chennai – 600 009.
- 2.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai – 625 001.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai – 627 007.
- 4.The Inspector of Police,
Kanniyakumari Police Station.
- 5.The Public Prosecutor,
High Court, Madras.



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M.S.RAMESH, J.
and
N. SENTHILKUMAR, J.

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