



W.P.No.1631 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.01.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

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Suriya
W/o Kothandan .. Petitioner

v.

- The State represented by its
1. The Secretary to the Government of Tamil Nadu
Department of Home
Fort St.George
Chennai 600 009
 2. The Deputy Inspector General of Prison
Chennai Range, Egmore
Chennai 600 008
 3. The Superintendent
Central Prison I, Puzhal
Chennai 600 066 .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order dated 07.10.2024 issued by the 3rd respondent and quash the same and consecutively direct the respondents to



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grant ordinary leave of 30 days without escort to the detenu, Kothandan, S/o Rangasamy, aged about 37 years, Convict No.9057, confined at Central Prison, Puzhal I.

For Petitioner :: Ms.K.Akshaya

For Respondents :: Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

W.M.P.No.1857 of 2025 seeking to dispense with the production of original copy of impugned order, stands ordered.

2. The rejection of leave application in proceeding dated 07.10.2024 is sought to be assailed in this writ petition. The leave application was rejected on the ground that the prisoner has not completed three years of actual imprisonment. But the prisoner has completed 2 years and 9 months.

3. The learned counsel for petitioner would submit that the prisoner is assisting the Administrative Department inside the prison and maintaining good conduct inside.



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4. When this Court posed a question to the learned Additional Public

Prosecutor as to whether the prisoners are made to perform administrative works inside the prison, the learned Additional Public Prosecutor would submit that he will secure necessary instructions. If at all the said contention is true, the Director General of Prisons and Correctional Services has to take all appropriate steps to ensure that the prisoners are not allowed to do administrative works, for which regular government employees are appointed. Delegation of such administrative works are impermissible and the employees who are posted in particular posts must perform their duties and responsibilities under the statutes and rules in force.

5. In the present case, the prisoner is in actual imprisonment for about 2 years and 9 months and his conduct is also found to be satisfactory. The reason stated is that he has to make arrangements to meet out the educational expenditures of his two minor children. Therefore, this Court is inclined to consider the present petition and pass the following order:-

- (i) The impugned order passed by the third respondent dated 07.10.2024 is set aside.



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(ii) The prisoner, namely, Kothandan, S/o Rangasamy, Convict No.9057 (PID No.428328) is granted 21 days ordinary leave without escort.

(iii) The leave shall commence from 03.02.2025 10.30 A.M., and the prisoner shall surrender before the third respondent by 5.30 P.M., on 23.02.2025.

(iv) The prisoner shall appear before the C-13, Kundrathur Police Station, Chennai twice in a week i.e., on every Monday and Thursday at 11.00 A.M. during the period of leave.

The writ petition stands allowed on the above terms. No costs.

Index : yes/no

(S.M.S.,J.) (M.J.R.,J.)

Neutral citation : yes/no

29.01.2025

ss

To

1. The Secretary to the Government of Tamil Nadu
Department of Home
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3. The Superintendent
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4. The Inspector of Police
C-13, Kundrathur Police Station
Chennai

5. The Public Prosecutor
High Court, Madras



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S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

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