



W.P.Crl.Nos.56 & 60 of 2026

3.The Superintendent of Prison,
Central Prison, Cuddalore, Cuddalore District.

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Respondent(s) in both petitions

Prayer in W.P.Crl.No.56 of 2026: Writ Petition (Criminal) filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to grant 3 days emergency leave with escort to the petitioner's son-Life Convict Dhivakar, S/o.Prabakaran, PID.No.445203, now confined in the Central Prison, Cuddalore, third respondent herein, for the purpose of "performing the ritual in 16th day of the deceased father" in pursuant to the petitioner's representation dated 02.01.2026.

Prayer in W.P.Crl.No.60 of 2026: Writ Petition (Criminal) filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to grant 3 days emergency leave with escort to petitioner's husband-Life Convict Kathiravan, S/o.Devadoss, PID.No.443998, now confined in the Central Prison, Cuddalore, third respondent herein, for the purpose of "performing the ritual in 16th day of the deceased brother" in pursuant to petitioner representation dated 02.01.2026.



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For Petitioner(s)
in both petitions : Mr.P.Muthamizhselvakumar

For Respondent(s)
in both petitions : Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

COMMON ORDER
(made by P.VELMURUGAN, J.)

While W.P.Crl.No.56 of 2026 has been filed to issue direction to the respondents to grant 3 days emergency leave with escort to the petitioner's son-Life Convict Dhivakar, S/o.Prabakaran, PID.No.445203, now confined in the Central Prison, Cuddalore, third respondent herein, for the purpose of "performing the ritual in 16th day of the deceased father" in pursuant to the petitioner's representation dated 02.01.2026, W.P.Crl.No.60 of 2026 has been filed to issue direction to the respondents to grant 3 days emergency leave with escort to petitioner's husband-Life Convict Kathiravan, S/o.Devadoss, PID.No.443998, now confined in the Central Prison, Cuddalore, third respondent herein, for the purpose of "performing the ritual in 16th day of the deceased brother" in pursuant to petitioner's representation dated 02.01.2026.



2. It is the case of the petitioner in W.P.Crl.No.56 of 2026 that she

is the mother of the convict prisoner viz. Dhivakar, S/o.Prabakaran, PID.No.445203, detained at the Central Prison, Cuddalore; her husband Prabakaran died on 28.12.2025 due to brain stroke, pursuant to which, her son (convict prisoner) was granted one day emergency leave on 28.12.2025 to do the funerals rites; now, the 16th day ceremony of her husband is decided to be held between 11.01.2026 to 13.01.2026 and therefore, she gave a representation to the respondents on 02.01.2026 seeking three days emergency leave for her son; since no action has been taken by the respondents, she has filed the present writ petition.

3. It is the case of the petitioner in W.P.Crl.No.60 of 2026 that she is the wife of the convict prisoner viz. Kathiravan, S/o.Devadoss, PID.No.443998, detained at the Central Prison, Cuddalore; her husband's brother Prabakaran died on 28.12.2025 due to brain stroke, pursuant to which, her husband (convict prisoner) was granted one day emergency leave on 28.12.2025 to do the funerals rites; now, the 16th day ceremony of her brother-in-law is decided to be held between 11.01.2026 to 13.01.2026 and therefore, she gave a representation to the respondents on 02.01.2026



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seeking three days emergency leave for her husband; since no action has been taken by the respondents, she has filed the present writ petition.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that pending these writ petitions, the third respondent has passed orders on 05.01.2026 rejecting the representations made by the petitioners stating that there is no specific provision under the Tamil Nadu Suspension of Sentence Rules, 1982, for granting emergency leave to perform the ritual on 16th day ceremony of the deceased. He also produced the photocopies of the said orders dated 05.01.2026 before this Court.

4. We perused the records available on record. It is seen that the convict prisoners have already been granted one day emergency leave to perform the funeral rites of the deceased and now, the 16th day ceremony of the deceased falls on 12.01.2026. Further, pending these writ petitions the third respondent has passed orders dated 05.01.2026 rejecting the representations of the petitioners seeking emergency leave.



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5. Considering the facts and circumstances of the case, these writ

petitions seeking issuance of writ of mandamus are converted to writ of certiorarified mandamus. Subsequently, the orders dated 05.01.2026 passed by the third respondent are set aside and the convict prisoners *viz.* Dhivakar, S/o.Prabakaran, PID.No.445203 and Kathiravan, S/o.Devadoss, PID.No.443998, detained at the Central Prison, Cuddalore, are granted three days emergency leave **from 11.01.2026 to 13.01.2026** with escort. The prison authorities shall permit the convict prisoners to leave the prison at **10.00 a.m. on 11.01.2026**. After expiry of the emergency leave, the convict prisoners shall surrender before the prison authorities on or before **5.00 a.m. on 13.01.2026**. The convict prisoners shall utilize the leave only for the purpose, for which, it has been granted and shall not indulge in any other activities.

With the above directions, these writ petitions (criminal) stands allowed.

(P.V., J.) (M.J.R., J.)
09.01.2026

nsd

Note: Issue copy of this order on 09.01.2026.



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To

- 1.The Director General of Prisons,
O/o. Director General of Prison, Whannels Road,
Egmore, Chennai - 600 008.
- 2.The Deputy Inspector General of Prison,
O/o.Deputy Inspector General of Prison, Vellore Circle,
Central Prison, Vellore, Vellore District.
- 3.The Superintendent of Prison,
Central Prison, Cuddalore, Cuddalore District.
- 3.The Public Prosecutor
Madras High Court, Chennai – 600 104



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P.VELMURUGAN, J.
and
M.JOTHIRAMAN, J.

nsd

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09.01.2026



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P. VELMURUGAN, J.
AND
M.JOTHIRAMAN, J.

(Order of the Court was made by P.Velmurugan, J.)

This writ petition is listed under the caption “For Being Mentioned” at the instance of the learned counsel for the petitioners.

2. It is brought to the notice of this Court that in paragraph No.5 of the order dated 09.01.2026 it has been stated that the convict prisoners shall surrender before the prison authorities on or before **5.00 a.m., on 13.01.2026**, instead of **5.00 p.m. on 13.01.2026**. Hence, the learned counsel for the petitioners seeks correction of the said error and issuance of a fresh order.

3. The Registry is directed to correct the inadvertent error that has crept into paragraph No.5 of the order dated 09.01.2026 and issue a fresh copy of the order forthwith, by substituting **5.00 a.m.** with **5.00 p.m.**

[P.V.,J.] [M.J.R.,J.]
12.01.2026

ms

Note : Issue order copy today (12.01.2026)



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P.VELMURUGAN, J.,
AND

M.JOTHIRAMAN, J.,

ms

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12.01.2026