Order QR

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2026

CORAM

THE HON'BLE MR. JUSTICE A.D.JAGADISH CHANDIRA

AND

THE HON'BLE MR. JUSTICE B.KARTHIKEYAN

W.P.Crl.No.2856 of 2026

CNR: {HCMA012545922026}

K.Sivathy

..Petitioner(s)

Vs.

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

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

3. The Inspector of Police,
   Viralimalai Police Station,
   Pudukottai District.

..Respondent(s)

Prayer: Writ Petition (Criminal) filed under Article 226 of the Constitutionof India, seeking to issue a Writ of Certiorarified Mandamus, to call for the records No.388/MU1/2026, dated 22.09.2026 passed by respondent No.1 and respondent No.2, and quash the same and consequently direct the respondents to grant 40 days ordinary leave to the petitioner's father, namely, Kamalananda S/o. Rajanayagam, aged 77 years, PID No.4442, Convict Prisoner, now confined in the Central Prison-I, Puzhal, Chennai.

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For Petitioner(s) : Mr.P.Pugalenthi

For Respondent(s) : Mr.C.R.Malarvannan,
Additional Public Prosecutor

ORDER

(Made by A.D.JAGADISH CHANDIRA, J.)

This Writ Petition (Criminal) has been filed challenging the order dated 22.09.2026 passed by the 1st respondent bearing No.388/MU1/2026, rejecting the petitioner's representation dated 19.08.2026 seeking 40 days ordinary leave and seeking a consequential direction to the respondents to grant 40 days ordinary leave to the petitioner's father, namely, Kamalananda, S/o. Rajanayagam, aged 77 years, PID No.4442, Convict Prisoner, now confined in the Central Prison-I, Puzhal, Chennai.

2. The brief facts of the case are as follows:-

2.1 The petitioner's father was convicted and sentenced to life imprisonment pursuant to the judgment dated 20.08.1997 passed in S.C.No.7 of 1996 on the file of the Principal Sessions Court, Pudukkottai, which was subsequently confirmed by this Court and further affirmed by the Apex Court. Consequently, the petitioner's father is currently undergoing incarceration as a life convict and has been confined in prison for about 30 years.

2.2 Since the petitioner intends to renovate her house and requires the

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assistance of her father/the convict prisoner, she submitted a representation to the respondents on 19.08.2026 seeking to grant 40 days ordinary leave. However, the first respondent, *vide* the impugned order, rejected the petitioner's representation. Challenging the said order of rejection, the petitioner has approached this Court by way of the present Writ Petition.

3. Heard both sides and perused the materials available on record.

4. On a perusal of the materials available on record, particularly the impugned order, it is evident that the convict prisoner is a foreign national and is, therefore, not entitled to ordinary leave under Rule 21(j) of the Tamil Nadu Suspension of Sentence Rules, 1982. For better appreciation, the relevant provision is extracted as under:-

> "**21. Non-eligibility for ordinary leave.**-- The following categories of prisoners shall not be eligible for ordinary leave :--
>
> (a) Offenders classified as habituals;
>
> …
>
> *(j) Convicted foreigners;*"

5. In view of the statutory bar discussed above, this Court finds no infirmity or illegality whatsoever in the impugned order of rejection passed by the first respondent. Therefore, this Court is not inclined to interfere with the same.

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6. For the reasons aforesaid, this Writ Petition (Criminal) stands **dismissed**. No costs.

(A.D.J.C., J.) (B.K., J.)
28.10.2026

skt

Neutral Citation: Yes/No

To:

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

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

3. The Inspector of Police,
Viralimalai Police Station,
Pudukottai District.

4. The Public Prosecutor,
Madras High Court.

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AND
B.KARTHIKEYAN, J.

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