



W.P.Crl..(MD).No.2107 of 2026

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.04.2026

CORAM

**THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH
AND
THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN**

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Umalingeshwari

..... Petitioner /
wife of the Prisoner

Vs.

1.The Deputy Inspector General of Prison,
Madurai Zone,
Madurai Central Prison,
Madurai-625 001.

2.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli-627 002.

3.The Superintendent of Police,
Office of the Superintendent of Police,
Tirunelveli.

4.The Inspector of Police,
Rajakkamangalam Police Station,
Nagercoil,
Kanyakumari District.

..... Respondents



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Prayer : Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order of the second respondent dated 24.03.2026 made in No.4391/THAKU.2/2026 and quash the same and consequently direct the respondent to grant emergency leave of 15 days without escort to the petitioner's husband, the prisoner, namely, Manikandan, S/o. Selvaraj, bearing LCT.No.4391 (PID No.159540), presently serving life sentence at Palayamkottai Central Prison.

For Petitioner : Mr.R.Narayanan

For Respondents : Mr.A.Thiruvadi Kumar,
Additional Public Prosecutor

ORDER

[Order of the Court was made by N.ANAND VENKATESH, J.]

This Writ Petition has been filed challenging the proceedings of the second respondent made in No.4391/THAKU.2/2026 dated 24.03.2026 and for a consequential direction to the respondents to grant emergency



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leave to the petitioner's husband, who is a life convict and he is presently serving sentence at Palayamkottai Central Prison.

2. Heard the learned counsel on either side.

3. The petitioner's husband is a life convict, who is presently serving sentence at Palayamkottai Central Prison. The petitioner submitted a representation seeking for 15 days emergency leave on the ground that the convict's mother is suffering from serious health ailment and therefore, she required physical and emotional support from the convict. The representation made by the petitioner was rejected by the second respondent through the impugned proceedings dated 24.03.2026 on the ground that there is one pending case before the learned Judicial Magistrate No.III, Nagercoil in C.C.No.429 of 2019. Aggrieved by the same, the present petition has been filed.

4. The learned Additional Public Prosecutor on instructions submitted that the convict has already undergone sentence for four years, ten months and thirteen days and that the representation was rejected on the ground that there is a pending case against the detenu.



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5. It is seen from records that earlier, the petitioner had made a representation seeking for emergency leave for six days and the same was considered and granted with police escort. Since the petitioner was not in a position to incur the expenses for the police escort, the said emergency leave was not availed. It is quite curious that on the earlier occasion, emergency leave was granted for six days in spite of the fact that the same pending case was within the knowledge of the authority, since it pertained to the year 2017. In such an event, when a similar representation is considered at a later point of time, the Authority has now come up with a new reason, which was not even put against the convict during the earlier occasion.

6. The other trend which we are able to see is that while considering the emergency leave, in many cases, pending cases are put against the convict. Insofar as the pending cases are concerned, it is not even a consideration while dealing with a representation seeking for emergency leave. The very fact that the leave is granted considering an emergency that has been expressed on the side of the convict, the pending case can



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never stand in a way of an authority to deal with such a representation. In such cases, the Authority must only be satisfied that the ground raised by the convict or the representative of the convict is covered under the relevant rules, which governs the grant of emergency leave. We are forced to make the above observations, since we find in many cases, the representation seeking for emergency leave is being dealt with in a routine manner without any application of mind.

7. Taking into consideration the facts and circumstances of the case and after carefully considering the submissions made on either side and also bestowing our attention on the reason for which the emergency leave has been sought for, we are inclined to interfere with the impugned proceedings of the second respondent dated 24.03.2026.

8. In the result, the proceedings made in No.4391/THAKU.2/2026 passed by the second respondent dated 24.03.2026 is hereby set aside. There shall be a direction to the second respondent to grant six days emergency leave to the convict with a condition that he will report before the fourth respondent daily at 06.00 p.m., during the entire period of



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emergency leave. Apart from that condition, the detenu is permitted to submit the sureties before the Superintendent of Prison, Central Prison, Palayamkottai, instead of executing the sureties before the Tahsildar and two sureties shall be the family members of the detenu. The other conditions imposed by the second respondent shall stand as it is.

9. This Writ Petition (Criminal) is disposed in the above terms.

[N.A.V., J.] & [K.K.R.K., J.]
16.04.2026

NCC : Yes / No

Index : Yes / No

TSG

Copy to

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