APHC010539672026

IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI **[3504]**
(Special Original Jurisdiction)

TUESDAY, THE 13th DAY OF OCTOBER 2026

PRESENT

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

WRIT PETITION NO: 29450/2026

Between:

1. KADALI BHAVANI,, W/O. CONVICTED PRISONER NO. 4729, KADALI KODANDA RAM, AGED ABOUT 37 YEARS, OCCUPATION . CONVICTED PRISONER, PRESENTLY LODGED IN CENTRAL PRISON, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT, RIO. DUVVA VILLAGE, TANUKU MANDAL, WEST GODAVARI DISTRICT - 534 156.

...PETITIONER

AND

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, HOME AND JAILS DEPARTMENT, SECRETARIAT BUILDINGS, VELAGAPUDI, AMARAVATI, GUNTUR DISTRICT, ANDHRA PRADESH - 522 238.

2. THE CENTRAL PRISON, REPRESENTED BY ITS SUPERINTENDENT, RAJAMAHENDRAVARAM, EAST GODAVARI DISTRICT - 533 105.

3. THE SUPERINTENDENT OF POLICE, ELURU, WEST GODAVARI DISTRICT -534 001.

4. THE STATION HOUSE OFFICER, TANUKU POLICE STATION WEST GODAVARI DISTRICT - 534 211.

5. THE VILLAGE REVENUE OFFICER, (LAW AND ORDER WING), DUVVA VILLAGE, TANUKU MANDAL, WEST GODAVARI DISTRICT - 534 156.

...RESPONDENT(S):

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue an appropriate Writ, Order, or Direction more in the nature of MANDAMUS declaring the action of the respondents, specifically 2nd respondent are not granting and releasing on perole of the husband of the petitioner namely as Kadali Kodanda Ram, Convicted Prisoner No.4729, Central Prison, Rajamahendravaram, for perform the final customs, rites as per the Bharat Culture, Hindu Tradition of the 1st Death anniversary as a single son to his father for a period of 10 days to be held on 17-10-2026 without assigning any reasons as illegal, arbitrary, unjust, unconstitutional, violation of Principles of Natural Justice and fundamental Rights under Articles 14,19 and 21 and contrary to the procedure contemplated under the provisions of jail manual, against to the orders of the Hon'ble High Court of Andhra Pradesh in WA. No. 597 of 2025 dated 08-05-2025 and consequently direct the respondents to release the husband of the petitioner namely as Kadali Kodanda Ram, Convicted Prisoner No.4729, Central Prison, Rajamahendravaram on perole for a period of 10 days to perform the final customs, rites as per Bharat Culture, Hindu Tradition as a single son to his father

Counsel for the Petitioner:

1. GUNDALA SIVA PRASADA REDDY

Counsel for the Respondent(S):

1. GP FOR HOME

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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The Court made the following Order:

Instant Writ Petition has been filed under Article 226 of the Constitution of India seeking the following relief:

> *"issue a Writ, Order, or Direction more in the nature of MANDAMUS declaring the action of the respondents, specifically 2nd respondent are not granting and releasing on parole of the husband of the petitioner namely as Kadali Kodanda Ram, Convicted Prisoner No.4729, Central Prison, Rajamahendravaram, for perform the final customs, rites as per the Bharat Culture, Hindu Tradition of the 1st Death anniversary as a single son to his father for a period of 10 days to be held on 17-10-2026 without assigning any reasons as illegal, arbitrary, unjust, unconstitutional, violation of Principles of Natural Justice and fundamental Rights under Articles 14,19 and 21 and contrary to the procedure contemplated under the provisions of jail manual, against to the orders of the Hon'ble High Court of Andhra Pradesh in WA. No. 597 of 2025 dated 08-05-2025 and consequently direct the respondents to release the husband of the petitioner, namely as Kadali Kodanda Ram, Convicted Prisoner No.4729, Central Prison, Rajamahendravaram on parole for a period of 10 days to perform the final customs and rites as per Bharat Culture, Hindu Tradition as a single son to his father and pass".*

2. Heard Sri Gundala Siva Prasada Reddy, learned counsel for the petitioner as well as learned Assistant Government Pleader for Home appearing on behalf of the Respondent-State.

3. Initially, when the matter was listed on 09.10.2026 and 12.10.2026, learned Assistant Government Pleader for Home sought time for obtaining instructions. At last, the matter was taken up for hearing today.

4. Learned Assistant Government Pleader for Home forwarded written instructions dated 12.10.2026 of respondent No.2, i.e., Superintendent (FAC), Central Prison, Rajamahendravaram, East Godavari District.

5. Learned counsel for the petitioner submits that the petitioner (Prisoner No.4729), who is presently lodged in Central Prison, Rajamahendravaram, East Godavari District, is required to attend his father's 'Samvatsarikam'/first annual death ceremony, which is scheduled on 17.10.2026. As per religious customs and traditions for performing the said religious ceremony, i.e., Samvatsarikam, presence of the petitioner is indispensable.

6. Conversely, learned Assistant Government Pleader for Home states that, in view of G.O.Ms.No.4, Home (Paroles & HRC) Department, dated 06.01.2025, i.e., Suspension of Sentence on Parole Rules, 2024, the prisoner has to make an application seeking parole to the concerned authority through proper channel and, after verification, the same will be considered.

7. Learned Assistant Government Pleader further brought to the notice of this Court Rule 8(i) (a)(i) and (ii), which reads as under:

> *" 8.(i) The Commissioner of Police/District Superintendent of Police shall---*

a) Furnish to the Government Home Department, the verification report on the prisoner's statement and his views for or against the release, as the case may be, and such report shall be sent by express letter, unless specifically requested to furnish it by radio message.

(i) Within seven (7) days in case the place of enquiry is near enough and the matter under enquiry urgent; and

(ii) Within fifteen (15) days at the most when the place of enquiry is a village situated in the interior parts of the country not connected by rail or road;"

Emphasis supplied.

8. Learned Assistant Government Pleader for Home further states that there is no application from the petitioner seeking parole. He further submits that, in the event the petitioner chooses to submit an application seeking parole before the competent authorities, furnishing specific details and relevant particulars, the same will be considered in accordance with G.O.Ms.No.4, Home (Paroles & HRC) Department, dated 06.01.2025.

9. At that juncture, learned counsel for the petitioner states that he will instruct the petitioner to submit a relevant application through written form as well as e-mail communication to the concerned authorities and this Court may direct the authorities to consider the same as expeditiously as possible.

10. Considering the facts and circumstances of the case and in light of the submissions made by respective counsels and also the rules in vogue, i.e., Suspension of Sentence on Parole Rules, 2024 and also considering the rights conferred under Article 21 of the Constitution of India, this Court is inclined to dispose of the Writ Petition with the following terms:

i. Petitioner is hereby directed to submit an application in written form as well as e-mail communication to respondent Nos.1 and 2, with all the requisite particulars, by enclosing relevant documents; and

ii. On such event, respondent Nos.1 and 2 are hereby directed to consider the same and pass appropriate orders in terms of Suspension of Sentence on Parole Rules, 2024, within a period of 48 hours from the date of receipt of communication, taking note of the Rules and procedures in vogue and in accordance with the law only.

There shall be no order as to costs.

As a sequel thereto, the Interlocutory Applications, if any, pending in this Writ Petition shall stand closed.

JUSTICE MAHESWARA RAO KUNCHEAM

Date: 13.10.2026
Note: Issue CC by 14.10.2026
B/o.
Vnb

THE HONOURABLE SRI JUSTICE MAHESWARA RAO KUNCHEAM

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