

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 05.08.2016

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THE HONOURABLE MR.JUSTICE M.JAICHANDREN

Writ Petition No.10635 of 2014

Gajapathy

.. Petitioner

Vs.

The Inspector General of Prisons,
Thalamuthu Natarasan Maligai,
Egmore, Chennai.

... Respondent

This writ petition has been filed, under Article 226 of the Constitution of India, seeking for a Writ of Mandamus, directing the respondent to consider and pass orders on the representation, dated 7.2.2014, sent by the petitioner, seeking re-transfer of his son Senthil @ Kerala Senthil, S/o.Gajapathy, lodged in Vellore Central Prison to Puzhal Central Prison.

For Petitioner : Mr.V.Jeevagiridharan

For Respondent : Mr.P.Karthikeyan, GA

ORDER

Heard the learned counsel appearing on behalf of the petitioner, as well as the learned counsel appearing on behalf of the respondent.

2 The petitioner has preferred the present writ petition, before this Court, praying that this Court may be pleased to issue a Writ of Mandamus, directing the respondent to consider and pass orders on the representation of the petitioner, dated 7.2.2014, seeking re-transfer of his son, namely, Senthil @ Kerala Senthil, from Vellore Central Prison to Puzhal Central Prison.

3 The petitioner has stated that his son, namely Senthil @ Kerala Senthil, was confined in Puzhal Central Prison, based on his conviction, till 29.1.2013. Thereafter, he has been confined, in Vellore Central Prison. Since the petitioner and

his son are the native of Chennai and as the petitioner is an aged person and is unwell, he is not in a position to visit his son, at Vellore Central Prison. Therefore, a request has been made, for shifting Senthil @ Kerala Senthil, from Vellore Central Prison, to Puzhal Central Prison, by way of a representation, dated 7.2.2014.

4 A counter affidavit had been filed on behalf of the respondent, stating that Senthil @ Kerala Senthil had been convicted, under Section 302 of the Indian Penal Code and he has been awarded life sentence. The life sentence, imposed on him by the Sessions Judge, Chennai, in S.C.No.454 of 2001, in connection with E-5, Pattinapakkam Police Station Crime No.583 of 2001, had been confirmed by this Court, in C.A.Nos.1499 of 2003 and 550 of 2004, by its judgment, dated 20.4.2006. The Special Leave Petition, filed before the Supreme Court, had also been dismissed, by an order passed in C.A.No.849 of 2007.

5 It has been further stated that Senthil @ Kerala Senthil had been transferred from the Central Prison, Vellore, to the Central Prison, Puzhal, since the convict was belonging to Chennai, as per the Government Order, in G.O.Ms.No.713, Home (Prison-4), Department, dated 10.8.2006. It has been stated that the convict was sent on emergency leave for six days and when he returned to the prison, on expiry of the leave, it was found that he had consumed alcohol and had used filthy language towards the prison officials. He had also threatened them. It had also been stated that while he was returning from the Court, the convict had used narcotic Ganja and sedation pills and he was also instigating the co-prisoners, by raising communal issues amongst them. As the behavior of the convict was not satisfactory, he had been sent to Vellore Central Prison. Therefore, the representation made by the petitioner, praying for re-transferring the convict, to the Puzhal Central Prison, had been rejected.

6 The learned counsel appearing on behalf of the respondent had also placed before this Court, a communication issued by the Superintendent of Prisons, Chennai, dated 2.5.2014, rejecting the request for the re-transfer of the convict, to the Puzhal Central Prison, Chennai.

7 In view of the submissions made by the learned counsels appearing for the parties concerned and in view of the averments made in the counter affidavit filed on behalf of the respondent, this Court does not find any cause or reason to grant the relief, prayed for by the petitioner, in the present writ petition. Hence, the writ petition stands dismissed. No costs.

-s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

vvk

To

The Inspector General of Prisons,
Thalamuthu Natarasan Maligai,
Egmore, Chennai.

+1 cc to M/s.V.Jeevagiridharan Advocate sr 44595

+1 cc to the Government Pleader sr 44899

सत्यमेव जयते

W.P.No.10635 of 2014

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