

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2017

CORAM

THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.16101 of 2017

Visalakshi

.. Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Secretary,
Home (Prison) Department,
Fort St. George, Chennai - 600 009.
2. The Additional Director General of Police and
Inspector General of Prison,
Tamil Nadu Prison Department,
Gandhi-Irwin Road,
Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Central Prison, Vellore, Vellore. .. Respondent

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus calling for the entire records connected with the impugned order passed by the 2nd respondent in No.8971/rpe.2/2017 dated 31.05.2017 and quash the same and consequently, directing the 2nd respondent to transfer the petitioner's husband, by name, P.Nagendran, S/o. Ponnusamy, aged about 45 years, serving as life convict No.1236 from the Central Prison, Vellore to the Central Prison - I, Puzhal, Chennai to enable them to take complete treatment of liver transplantation.

For Petitioner : Mr.S.Sathiachandran

For Respondent : Mr.D.Vairamoorthy,
Special Government Pleader
for R1 to R3.

O R D E R

The petitioner's husband requested for transferring him from Central Prison Vellore to Central Prison-I, Puzhal, Chennai, for the purpose of undertaking a liver transplantation,

which was rejected by the second respondent vide order dated 31.05.2017 stating that there is no safety to his life, if he is transferred to Central Prison, Puzhal.

2. It is not in dispute that the petitioner's husband is ailing from Liver disease and a liver transplantation is required. Earlier, the petitioner's husband had approached this Court seeking for similar relief and by an order dated 04.04.2016 passed in HCP No.619 of 2016 and order dated 17.06.2016 passed in H.C.P.No.1186 of 2016, the petitioner's husband was transferred from Central Prison Vellore to Central Prison - I, Puzhal on medical grounds. Similarly, by another order dated 07.04.2017 made in H.C.P.No.425 of 2017, the 2nd respondent herein was directed to take steps to refer the petitioner to Global Health City, Perumbakkam, Chennai, for the purpose of his treatment. Certain other conditions were also imposed in the said order and one condition amongst them was that after the treatment was over, the petitioner's husband shall be taken back to Central Prison, Vellore, after obtaining medical advice.

3. The learned Special Government Pleader, on instructions, submitted that in case the petitioner's husband is directed to be transferred from Central Prison, Vellore to Central Prison-I, Puzhal, Chennai, they may be permitted to take back the petitioner's husband to Central Prison, Vellore, after the surgery and treatment is over.

4. I do not find the submissions made by the Learned Government Pleader to be unreasonable, since according to the respondents, the petitioner's husband life is under threat in the Central Prison - I, Puzhal, Chennai.

5. In these circumstances, the order passed by the 2nd respondent in Letter No.8971/CNa.2/2017 dated 31.05.2017 is quashed. Consequently, there shall be a direction to the 2nd respondent to transfer the petitioner's husband, namely, T.Nagendran S/o.Ponnusamy, serving as life convict No.1236, from Central Prison, Vellore to Central Prison-I, Puzhal, Chennai, within two days from today, for the purpose of treatment. After the treatment is over, the petitioner's husband shall be referred to Medical Board of the Government Rajaji Hospital, Chennai and on obtaining necessary certificate that the petitioner's husband has fully recovered from the treatment, the 2nd respondent is at liberty to shift the petitioner's husband to Central Prison, Vellore.

5.With the above observations, the writ petition stands allowed. No costs.

Sd/-
Asst.Registrar

/true copy/

Sub Asst. Registrar

rka/mrp

To

1. The Secretary State of Tamil Nadu,
Home (Prison) Department,
Fort St. George, Chennai - 600 009.
2. The Additional Director General of Police and
Inspector General of Prison,
Tamil Nadu Prison Department,
Gandhi-Irwin Road,
Egmore, Chennai 600 008.
3. The Superintendent of Prison,
Central Prison, Vellore, Vellore.
4. The Public Prosecutor,
High Court, Madras.

+1cc to M/s.Satha Chandran, Advocate in sr.no.53149

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SCD(CO)
NR 27/07/2017

सत्यमेव जयते

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