

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 04.07.2017

C O R A M

The Honourable Mr.JUSTICE M.S.RAMESH

W.P.No.31990 of 2016

H.Ram Mandal

...Petitioner

Vs.

- 1.Government of Tamil Nadu, rep. by its Secretary, Department of Home (Prison - IV) Department Fort St.George, Chennai 600 009.
- 2.The Additional Director General of Prisons, Thalamuthu Natarajan Maaligai, 2nd Floor, Gandhi Irwin Road, Egmore, Chennai - 600 008.
- 3.The Superintendent, Central Prison, Puzhal, Chennai 600 066.
- 4.State of West Bengal, rep. by its Home Secretary, Secretariat, Kolkatta.
- 5.The Additional Director General of Police-cum-Inspector General of Prisons, State of West Bengal, Kolkatta.
- 6.The Superintendent of Central Prison, Berhampore Central Jail, Berhampore, Murshidhabad (District), State of West Bengal, Kolkatta.

...Respondents

Petition filed under Article 226 of Constitution of India for the issuance of a Writ of Mandamus to direct the respondents to transfer the petitioner from the third respondent Central Prison to the sixth respondent Central Prison, pursuant to the representations of the petitioner dated 09.09.2015, 12.10.2015 & 14.12.2015.

For Petitioner : Mr.B.Nambiselvan

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

O R D E R

The petitioner, who is a life convict, is imprisoned in the Central Prison, Puzhal, Chennai. The petitioner is a native of Kolkatta. Since he has no relatives or friends in Tamil Nadu to visit him, he had given representations dated 09.09.2015 & 12.10.2015 to the second respondent herein, seeking for a transfer to Berhampore Central Prison, Berhampore, Murshdabad, West Bengal, which are said to be pending.

2.This Court exercising its powers under Article 226 of the Constitution of India, cannot step into the issues of the respondents and pass orders transferring the life convict to some other jail, since, such exercise depends on the facts and circumstances of each and every convict.

3.The learned Special Government Pleader appearing for the respondents 1 to 3, at this juncture has submitted that it is for the first respondent, who is empowered to pass appropriate orders for transfer of convicts between the prisons of different States.

4.The learned counsel for the petitioner has also submitted that the petitioner has given representation dated 14.12.2015, to the first respondent through the third respondent, which is also pending. The learned counsel also brought to the notice of this Court that the appeal filed by the petitioner was dismissed. No Special Leave Petition has been preferred against the same.

5.In this background, it would be appropriate that these facts be brought to the notice of the first respondent at the time of consideration of the petitioner's representation. Hence, the petitioner is granted liberty to make a fresh representation to putforth his grounds for transfer. On receipt of such representation, to meet the ends of justice, the first respondent is directed to consider the same alongwith the representation already made on 14.12.2015 on merits and pass

appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy this order. With the above direction, the writ petition is dismissed. with the above direction, the writ petition is dismissed. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

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To

- 1.The Secretary, Department of Home
(Prison - IV) Department,
Fort St. George, Chennai 600 009.
- 2.The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
2nd Floor, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
- 3.The Superintendent,
Central Prison, Puzhal, Chennai 600 066.
- 4.The Home Secretary,
Secretariat, Kolkatta.
- 5.The Additional Director General of
Police-cum-Inspector General of
Prisons, State of West Bengal
Kolkatta.
- 6.The Superintendent of Central Prison
Berhampore, Central Jail
Berhampore, Murshidhabad (District)
State of West Bengal, Kolkatta.

+1cc to Mr.B.Nambiselvam,Advocate sr.46414

W.P.No.31990 of 2016

ss(3/8/2017)