

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 06.04.2018
CORAM
THE HONOURABLE MR.JUSTICE P.N.PRAKASH
W.P.No.8148 of 2018
and
W.M.P.No.10130 of 2018

S.Dhanalakshmi ... 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,
II Floor, Gandhi Irwin Road,
Egmore,
Chennai-600 008.

3.The Superintendent,
Central Prison,
Trichy.

4.The Superintendent,
Central Prison-I,
Puzhal,
Chennai.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to permanently transfer the detenu Senthil Murugan, Convict No.OJCT No.1500 from the 3rd respondent Central Prison to the 4th respondent Central Prison, pursuant to the representation of the petitioner dated 24.03.2018.

For Petitioner :Mr.B.Nambiselvan

For Respondents :Mr.D.Raja,
Additional Government Pleader

ORDER

The petitioner's husband is a life convict, having suffered imprisonment for life in S.C.No.4 of 2005 on 26.09.2007. His appeal to this Court in CrI.A.No.99 of 2008 was also dismissed on 05.11.2009. After his conviction and sentence, the petitioner's husband was in Central Prison, Trichy. He wanted to write XI Standard Examination and therefore, at request, he was transferred from Central Prison,

Tiruchy, to Central Prison, Puzhal, for the purpose of writing examinations. Now, he has written his examinations and he is likely to be shifted to the Central Prison, Trichy. While so, the petitioner has given a representation to the respondents 1 and 2, seeking detention of her husband in Central Prison, Puzhal, Chennai. Thereafter, the petitioner has filed the present Writ Petition for a Writ of Mandamus, directing the respondents to consider the representation of the petitioner dated 24.03.2018.

2. In the opinion of this Court, no such direction can be issued, because the detention of prisoners, in a particular prison, is the exclusive prerogative of the Inspector General of Prisons, who will take into account several factors, like the availability of space in the prison, threat to the life of the prisoner, etc.. Therefore, a Mandamus as prayed for cannot be granted. However, if the Prison Authorities are of the view that the petitioner can be retained in Puzhal, it is for them to pass appropriate orders.

Accordingly, this Writ Petition is disposed of. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(Audit)

//True Copy//

Sub Assistant Registrar

mps

To

1. The Secretary to Government of Tamil Nadu,
Department of Home,
(Prison-IV) Department,
Fort St. George,
Chennai-600 009.

2. The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
II Floor, Gandhi Irwin Road,
Egmore,
Chennai-600 008.

3. The Superintendent,
Central Prison,
Trichy.

4.The Superintendent,
Central Prison-I,
Puzhal,
Chennai.

+1cc to Mr.B.Nambiselvan, Advocate SR.No.25389
+1cc to Government Pleader SR.No.26280

SSI (CO)
sm:19.4.2018

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and
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