

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Cont.P.No.2675 of 2018

S.Dhanalakshmi

... Petitioner

Vs

1.Mr.Niranjani Mardi, I.A.S.,
Government of Tamil Nadu,
rep. by its Secretary,
Department of Home,
(Prison-IV) Department,
Fort St.George,
Chennai - 600 009.

2.Mr.Asutosh Shukla, I.P.S.,
The Additional Director General of Prisons,
Thalamuthu Natarajan Maaligai,
II Floor, Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.Mr.Murugesan,
The Superintendent,
Central Prison, Trichy.

4.Mr.Senthil Kumar,
The Superintendent,
Central Prison-I,
Puzhal, Chennai.

... Respondents

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Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondents for the contempt of order of this Hon'ble Court made in W.P.No.8148 of 2018 dated 06.04.2018.

For Petitioner

: Mr.B.Nambiselvan

For Respondents

: Mr.M.Elumalai
Government Advocate

ORDER

Today, Mr.M.Jaya Kumar, Chief Head Warder, Central Prison, Puzhal, Chennai, is present before this Court.

2.In W.P.No.8148 of 2018, this Court passed the following order on 06.04.2018.

'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.'

3.While so, the petitioner has filed the present Contempt Petition, alleging that the respondents have not complied with the above direction.

4.Heard the learned counsel for the petitioner and

Mr.M.Elumalai, learned Government Advocate, appearing for
the respondents.

5.This Court has not issued any positive direction in the order, dated 06.04.2018, in W.P.No.8148 of 2018, to the respondents, to comply with. Therefore, there is no question of initiating proceedings against the respondents, for contempt.

6.Be that as it may, the learned Government Advocate produced an order, dated 17.09.2018, issued by the Additional Director General of Police, directing the detention of Senthil Murugan (Convict No.16321) in Central Prison, Trichy. It is always open to the Prison Authorities to modify the order, from time to time.

In the result, this Contempt Petition is dismissed as not maintainable.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

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//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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