



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.10.2018

CORAM

THE HON'BLE MR.JUSTICE S.S.SUNDAR

W.P.(MD) Nos.21594 to 21596 of 2018

and

W.M.P. (MD) Nos.19493 to 19495 of 2018

W.P.(MD) No.21594 of 2018

M.Sathieesh Kumar

... Petitioner

-Vs-

1.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.

2.The Sub Jail Superintendent,
Sub Jail,
Kovilpatti,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with the impugned relieving cum transfer order passed by him in No.131/Ki.Si.Ko/2018, dated 13.10.2018 and quash the same as illegal and arbitrary and consequently direct the respondents to allow the petitioner to continue in the second respondent Sub Jail.

W.P.(MD) No.21595 of 2018

M.Marisamy

... Petitioner

-Vs-

1.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.

2.The Sub Jail Superintendent,
Sub Jail,
Kovilpatti,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with the impugned relieving cum transfer order passed by him in No.128/Ki.Si.Ko/2018, dated 13.10.2018 and quash the same as illegal and arbitrary and consequently direct the respondents to allow the petitioner to continue in the second respondent Sub Jail.



W.P. (MD) No. 21596 of 2018
A. Karuppasamy

... Petitioner

-Vs-

1. The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.

2. The Sub Jail Superintendent,
Sub Jail,
Kovilpatti,
Thoothukudi District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records on the file of the second respondent in connection with the impugned relieving cum transfer order passed by him in No. 129/Ki.Si.Ko/2018, dated 13.10.2018 and quash the same as illegal and arbitrary and consequently direct the respondents to allow the petitioner to continue in the second respondent Sub Jail.

For Petitioner : Mr. M. Maria Vinola
in all cases

For Respondents : Mr. V. R. Shanmuganathan
in all cases Special Government Pleader

COMMON ORDER

In view of the fact that the issue involved in all the writ petitions is one and the same, the above Writ Petitions are taken up together and disposed of by a common order.

2. The above Writ Petitions have been filed challenging the orders dated 13.10.2018 issued by the second respondent by transferring the petitioners from Sub Jail, Kovilpatti to Central Prison-I, Puzhal.

3. Mr. V. R. Shanmuganathan, learned Special Government Pleader takes notice for the respondents.

4. It is the case of the petitioners that the authority who passed the impugned order is incompetent to transfer the petitioners from Sub Jail, Kovilpatti, Thoothukudi District to Central Prison-I, Puzhal and that transferring the petitioners from one district to another district can be passed only by the Inspector General of Prisons.



5.The learned Special Government Pleader appearing for the respondents, on instructions, produced before this Court the proceedings dated 12.10.2018 passed by the Inspector General of Prisons, transferring the petitioners on administrative grounds.

6.At this stage, it is stated by the learned Counsel appearing for the petitioners that the order dated 12.10.2018 was not served on the petitioners and that therefore, liberty may be given to the petitioners to challenge the said order dated 12.10.2018.

7.In view of the above, the Writ Petitions are dismissed as devoid of merits preserving liberty to the petitioners to challenge the order dated 12.10.2018 passed by the Inspector General of Prisons. No costs. Consequently, connected Writ Miscellaneous Petitions are closed.

Sd/
Vacation Officer/Assistant
Registrar

/True copy/

Sub Assistant Registrar (CS-I)

To

1.The Superintendent,
Central Prison,
Palayamkottai,
Tirunelveli.

2.The Sub Jail Superintendent,
Sub Jail,
Kovilpatti,
Thoothukudi District.

+1cc to M/s.Special Government Pleader,SR.No. 90962

W.P. (MD) Nos.21594 to 21596 of 2018
16.10.2018

SRM
KK/SV/SAR-1/14.11.2018/3P-4C