

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.10.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice RMT. TEEKAA RAMAN

H.C.P. No. 49 of 2019

Venkatesh

... Petitioner

-vs-

- 1.State of Tamil Nadu
rep. by its Secretary,
Home Department, Fort St. George, Chennai - 9.
- 2.The Additional Director General
of Prisons/The Inspector General
of Prisons, D.No.1, CMDA Tower II,
Gandhi Irwin Road, Egmore, Chennai.
- 3.The Superintendent of Prison,
Central Prison, Trichy.
- 4.The Superintendent of Prison,
Central Prison, Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India to issue a writ of habeas corpus directing the third respondent to transfer the petitioner's father namely Rajagopal, S/o.Rangasamy, Life Convict Prisoner, C.T.No.22273 from Central Prison, Trichy to Central Prison, Salem and set him at liberty forthwith.

For Petitioner : Mr.S.Mohamed Ansar

For Respondents : Mr.R.Prathap Kumar
Addl. Public Prosecutor

ORDER

[Order of the Court was made by M.M.SUNDRESH, J.]

The petitioner, who is the son of the Life Convict - Rajagopal, has filed this habeas corpus petition, seeking transfer of the convict from Central Prison, Trichy to Central Prison, Salem on the ground that all the family members are residing at Namakkal.

2.It appears that on the earlier occasion, the convict was transferred to Central Prison, Trichy so as to facilitate him to continue his studies, which he did. After such completion, now a request has been made for transfer to Central Prison, Salem as the family members are residing in Namakkal District. Thus, the earlier transfer was effected not on administrative ground but by way of request transfer.

3.In such view of the matter, we direct the second respondent to consider the request of the petitioner to transfer the convict from Central Prison, Trichy to Central Prison, Salem in accordance with the Rules. Needful will have to be done within a period of four weeks from the date of receipt of a copy of this order.

4.We make it clear that we have not made any remarks on the merits of the case and, therefore, it is for the second respondent to take a call in this regard.

5.With the above observation, the Habeas Corpus Petition stands disposed of.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

- 1.The Secretary to Government, Home Department,
Fort St. George, Chennai - 9.
- 2.The Additional Director General of Prisons/
The Inspector General of Prisons,
D.No.1, CMDA Tower II, Gandhi Irwin Road, Egmore, Chennai.
- 3.The Superintendent of Prison, Central Prison, Trichy.
- 4.The Superintendent of Prison, Central Prison, Salem.
- 5.The Additional Public Prosecutor, High Court, Madras.

+1cc to M/s.S.Mohamed Assar, Advocate Sr.No.88181

AKM/02.12.19 /2P-7C/

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