

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2020

CORAM :

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
and
THE HONOURABLE MR.JUSTICE D.KRISHNA KUMAR

H.C.P.Nos.1140 to 1143 of 2020

M.Junaitha Begum, (Female/49),
W/o. Mansoor Ali,
No-21, Muslim Middle Street,
Thiruvudaimaruthur,
Thajavur District - 612 103.

.. Petitioner / Mother of Detenue
(in H.C.P.No.1140 of 2020)

A.Abdul Salaam, (Male/62),
S/o. Abdul Kareem,
No.109 C, Mela road,
Thiruvudaimaruthur,
Thajavur District - 612 103.

.. Petitioner / Father of Detenue
(in H.C.P.No.1141 of 2020)

S.Ayub Khan, (Male/31),
S/o. Sardar Khan,
No-35, North Muslim Street,
Thirubuvanam, Thiruvudaimaruthur,
Thajavur District - 612 103.

.. Petitioner / Brother of Detenue
(in H.C.P.No.1142 of 2020)

A.Mohamed Yasin, (Male/28),
S/o. Akbar Ali,
Door No-38, North Muslim Street,
Thirupuvanam, Thiruvudaimaruthur,
Thajavur District - 612 103.

.. Petitioner / Son in Law of Detenue
(in H.C.P.No.1143 of 2020)

Vs.

1. The Additional Director General of Prisons,
CDMA Tower-II, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
2. The Superintendent of Prison,
Puzhal Central Prison-II,
Thiruvallur - 600 066.

3. The Additional Superintendent,
Special Sub Jail, Poonamallee,
Chennai - 600 056.
4. The National Investigation Agency,
Opposite to CGO Complex,
Lodhi Road,
New Delhi - 110 003.

(R4 is Suo motu impleaded as per the order of this Court dated 06.07.2020 in HCP No.1140 to 1142 of 2020)

..Respondents

in HCP No.1140 to 1142 of 2020

1. The Additional Director General of Prisons,
CDMA Tower-II, Gandhi Irwin Road,
Egmore, Chennai - 600 008.
2. The Superintendent of Prison,
Puzhal Central Prison-II,
Thiruvallur - 600 066.
3. The Additional Superintendent,
Special Sub Jail, Poonamallee,
Chennai - 600 056.
4. The National Investigation Agency,
Opposite to CGO Complex,
Lodhi Road,
New Delhi - 110 003.

(R4 impleaded as per the order of this Court dated 07.07.2020 in HCP No.1143 of 2020)

.. Respondents

in HCP No.1143 of 2020

COMMON PRAYER: These petitions are filed under Article 226 of the Constitution of India for issuance of Writ of Habeas Corpus to transfer the detenu by name Mohamed Rizwan, S/o.Mansoor Ali, aged about 23 years, Mohamed Azaruddhin, S/o. Abdul Salaam, aged about 28 years, Nijam Ali, S/o. Sardar Khan, aged about 33 years and Sarfudheen, S/o. Yaqoob, aged about 60 years from the Special Sub Jail at Poonamallee (herein 3rd respondent) to the Central Prison at Puzhal-II (herein 2nd respondent).

In all HCPs

For Petitioners : Mr.Xavier Felix
for Mr.H.Thameen Ansari

For RR 1 to 3 : Mrs.R.Pradhap Kumar
Additional Public Prosecutor

For R4

: Mr.R.Karthikeyan
Special Public Prosecutor for NIA

COMMON ORDER

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

These petitions have been filed seeking transfer from the Special Sub-Jail at Poonmallee to Central Prison at Puzhal - II on the ground that the relatives were having some difficulty in making a visit to the jail as the interview was cancelled. The learned counsel for the petitioner would submit that better facilities are available at Puzhal - II.

2.Placing reliance upon the affidavit filed, the learned Special Public Prosecutor appearing for the NIA submitted that there are sufficient facilities being provided and the trial is being conducted at the same place. Therefore, it is a facility meant to be used for one and all including the remand prisoners. It is further submitted that the restrictions imposed for the relatives and the visitors of the remand prisoners has been removed with effect from 23.09.2020.

3.Considering the said submission made, we do not find any reason to allow these petitions. The grievance of the petitioners have been addressed as of now. They do not have vested right to seek transfer. If the petitioners seek any medical facilities with specific reference to their ailment, the Jail Officer is directed to look into the same and take appropriate steps. Suffice it to state that the pandemic has eased out considerably and the restrictions have been lifted and therefore, the grievance of the petitioners have been satisfied substantially.

4.These petitions are disposed of accordingly.

सत्यमेव जयते

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrm/ssn

To

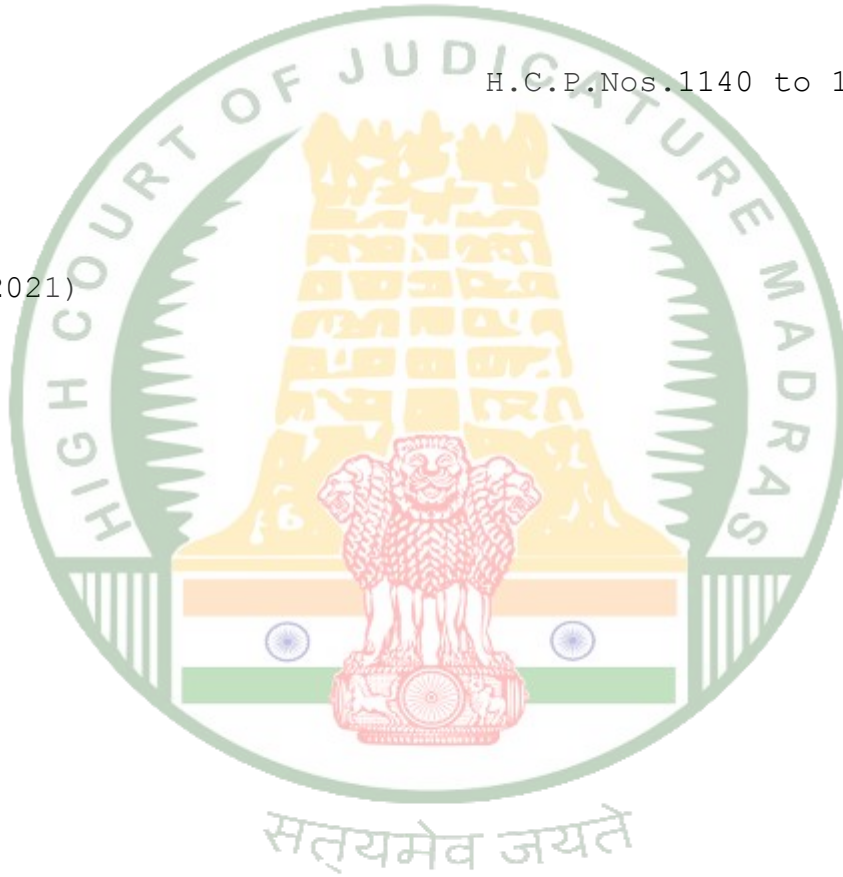
1. The Additional Director General of Prisons,
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Chennai - 600 056.
4. The National Investigation Agency,
Opposite to CGO Complex,
Lodhi Road, New Delhi - 110 003.
5. The Public Prosecutor,
High Court, Madras-104.

+lcc to Mr.R.Karthikeyan, Advocate, S.R.No.40809

H.C.P.Nos.1140 to 1143 of 2020

br(CO)
rv(08/01/2021)



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