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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.08.2021

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.NO.5925 OF 2018

AND

WMP.NO.7300 OF 2018

Maheswari

.. Petitioner

Vs.

1. The Secretary to Government,
Home Department(Prison)
Fort St. George,
Chennai - 9.
2. The Commissioner of Scheduled Caste & Scheduled Tribe
Sastri Bhavan,
Nungambakkam, Chennai.
3. The Secretary to Government
Ministry of Scheduled Caste & Scheduled Tribe Welfare Board,
Fort St.George,
Chennai - 9.
4. The Additional Director General of Prison
Gandhi Irwin Road,
Egmore, Chennai - 600 008.
5. The Superintendent
Central Prison, Puzhal -I (conviction)
Puzhal, Chennai.
6. The State Human Rights Commission,
Mylapore, Chennai.
7. Krishnakumar
Additional Superintendent,
Central Prison, Puzhal-I (conviction)
Puzhal, Chennai.
8. Senthilkumar
Warden,
Central Prison, Puzhal-I(conviction)
Puzhal, Chennai.



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9. Ramaraj
Vigilance warden
Central Prison, Puzhal - I (conviction)
Puzhal, Chennai.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the 4th respondent to take necessary legal and departmental action against the 7th, 8th and 9th respondents.

For Petitioner : No appearance

For Respondent
Nos.1 to 6 : Mr.C.E.Pratap
Government Advocate(Cr1.Side)

ORDER

This petition has been filed for a Writ of Mandamus to direct the 4th respondent to take necessary legal and departmental action against the 7th, 8th and 9th respondents.

2. The case of the petitioner is that her husband, namely, Settu son of Sagayam, is a life convict and serving sentence for the past 10 years at Central Prison Puzhal I (Conviction). On 03.03.2018, when her husband was working in the canteen, he was given a pushing cart with food items from canteen to prison. That time, Warden of the said Prison planted 460 grams of ganja and threatened her husband to hand over to one Thiyagu. When he entered the prison with the pushing cart, the Additional Superintendent of Prison along with the said Warden and Vigilance Warden conducted a search and seized the said contraband from her husband and harassed him to confess about the possession of the said grams of ganja. When the petitioner went to meet her husband, she found external injuries on his body and in the presence of his wife, he was abused by the Additional Superintendent, in filthy language by using his caste name. Further it is averred by the petitioner that the jail authorities are trying to rope her husband into a false case. It is alleged by the petitioner that the said contraband was transported jointly by the Additional Superintendent, Warden, Vigilance Warden of the Jail. In this regard, the petitioner has also made a representation to the official respondents herein on 07.03.2018 to conduct enquiry into this matter. However no action or whatsoever has been taken on the said representation and therefore, the petitioner is constrained to approach this Court by filing this Writ Petition.



3. The learned counsel appearing for the petitioner submitted that though the representation was submitted on 07.03.2018 to take necessary legal and departmental action against the erring official, till date the respondent has failed to take any action on the same and hence prays for consideration of the said representation dated 07.03.2018.

4. The learned Government Advocate (Crl.Side) submitted that the representation of the petitioner may be given disposal within a time limit as prescribed by this Court.

5. In view of the limited prayer sought for by the petitioner, this Court, without going into the merits of the claim projected by the petitioner, either in her representation or in this Writ Petition, directs the 5th respondent to consider the petitioner's representation dated 07.03.2018, on merits and in accordance with law and pass orders within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VII)

// True Copy //

Sub Assistant Registrar

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To

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Chennai - 9.
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5. The Superintendent
Central Prison, Puzhal -I (conviction)
Puzhal, Chennai.



6. The State Human Rights Commission,
Mylapore, Chennai.

7. The Public Prosecutor,
High Court, Madras - 104.

W.P.No.5925 of 2018
and
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GPL(CO)
RLP(06/10/2021)