



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.07.2021

Coram

The Honourable Mr. Justice P.N.PRAKASH
and

The Honourable Mr. Justice R.PONGIAPPAN

W.P.No.13982 of 2021

Lakshmi

..Petitioner

Vs.

1.The Director General of Police &
I.G. of Prisons,
Prison Head Office,
Egmore, Chennai - 600 008.

2.The Superintendent of Prisons,
Central Prison,
Salem.

3.The Superintendent of Prisons,
Central Prison,
Coimbatore.

4.The Inspector of Police,
Tholasampatti Police Station,
Salem District.

..Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus, directing the respondents 1 and 2 to consider the representation of the petitioner dated 07.01.2021 and allow the petitioner's husband to undergo his remaining punishment period in the Central Prison, Salem.

For Petitioner : Ms.S.Nadhiya

For Respondents: Mr.R.Muniyapparaj

Government Advocate (Crl.Side)

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

This writ petition has been filed seeking to direct the respondents 1 and 2 to consider the representation of the petitioner dated 07.01.2021 and allow the petitioner's husband to undergo his remaining punishment period of sentence in the Central Prison, Salem.



2. It is the case of the petitioner that her husband Govindan, son of Perumal, is a Convict Prisoner and he is now undergoing imprisonment in the Central Prison, Salem. Initially, the petitioner's husband was lodged in the Central Prison, Coimbatore and at his request, he was transferred from the Central Prison, Coimbatore to the Central Prison, Salem, temporarily.

3. While that being so, the petitioner has given a representation dated 07.01.2021 to the respondents praying that her husband may be permanently kept in the Central Prison, Salem, so that, it will be convenient for his relatives to make prison visits off and on. Since the said representation had not been considered, the petitioner has filed the present writ petition with the above prayer.

4. In our considered opinion, transfer of prisoner from one prison to another prison is an administrative act and this Court cannot interfere into it. Under Rule 568 of the Tamil Nadu Prison Rules, 1983, certain grounds have been enumerated for transfer of a prisoner from one prison to another prison.

5. The learned counsel for the petitioner contended that the petitioner may be kept in the Central Prison, Salem, in terms of Rule 568 (iv) of the Tamil Nadu Prison Rules, 1983, on humanitarian grounds in the interests of their rehabilitation.

6. This is one aspect, which the authorities have to decide and this Court cannot give a positive direction to the authorities to retain the prisoner in the Central Prison, Salem. Sometimes, on account of spread of COVID-19 pandemic, the said prisoner will have to be shifted from the Central Prison, Salem, to any other prison and in that event, the order of this Court should not be an obstacle for the authorities to take appropriate action.

Therefore, this writ petition is closed with a direction to the authorities to consider the request of the petitioner's husband in accordance with the rules and taking into consideration the others factors as well. No costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar



To

- 1.The Director General of Police &
I.G. of Prisons,
Prison Head Office,
Egmore, Chennai - 600 008.
- 2.The Superintendent of Prisons,
Central Prison,
Salem.
- 3.The Superintendent of Prisons,
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- 4.The Inspector of Police,
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RP(CO)
SP(02/08/2021)