

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2021

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

and

THE HONOURABLE MS. JUSTICE R.N.MANJULA

Writ Petition No.16044 of 2021

R.Krishnadevi
W/o.Ravisankar

.. Petitioner

Vs.

The State represented by its

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Fort St.George,
Chennai – 600 009.

2.The Additional Director General of Prison,
C.M.D.A. Towers,
Egmore, Chennai – 600 008.

3.The Superintendent,
Central Prison,
Trichy – 620 020.

4.The Superintendent,
Central Prison,
Puzhal, Chennai – 600 066.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing respondents to transfer the detenu Ravisankar S/o.Kumaraswamy, aged about 51 years, Convict No.22762 from Central Prison, Trichy to Central Prison, Puzhal.

For Petitioner : Ms.S.Lakshmi

For Respondents : Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

This petition has been filed seeking issuance of a Writ of Mandamus directing respondents to transfer the convict prisoner Ravisankar S/o.Kumaraswamy, aged about 51 years, Convict No.22762 from Central Prison, Trichy to Central Prison, Puzhal, Chennai, on the ground that the wife of the convict prisoner is living in Chennai and she is suffering from health issues and therefore, it will be easier for her to make prison visits.

2. The Superintendent of Prisons, Central Prison, Trichy, has filed a counter affidavit dated 13.08.2021, wherein, in paragraph No.6, it is stated as follows:

'6. I submit that the averment contained in the para No.7 of the affidavit, it is submitted that the representation on 09.07.2021 was received to this office on 12.07.2021 by the petitioner and requested to transfer Convict No.22762 Ravisankar S/o.Kumarasamy to Central Prison No.1, Puzhal, Chennai from Central Prison, Trichy for interview purpose. Already Prisoner's representation on 26.11.2019 was considered by Superintendent of Prisons, Central Prison, Trichy and that transfer proposal was sent to the Director General of Police/Director General of Prisons and Correctional Services, Chennai vide this office letter No.17283/R.5/2019, dated 24.07.2020. After the pandemic relief, the above prisoner's transfer proposal will considered by the Director General of Police/Director General of Prisons and Correctional Services, Chennai. Above fact was informed to the petitioner vide this office letter No.10568/R5/2021, Dated 04.08.2021.'

3. The fact that Covid-19 pandemic has not subsided in Tamil Nadu, cannot be overlooked. It is, in fact, feared that the third wave of the Covid-19 pandemic is likely to lay siege. On such circumstances, the request for prison transfer, at this juncture, cannot be considered. It is left open to the authorities to sympathetically consider the case of the convict prisoner on a case to case basis after the Covid-19 pandemic subsidies.

P.N.PRAKASH, J
and

R.N.MANJULA, J

gm

With the above observation, this Writ Petition is closed. No costs.

[P.N.P., J]

[R.N.M., J]

28.09.2021

Index: Yes/No

gm

To

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4.The Superintendent,
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5.The Public Prosecutor,
High Court, Madras.

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