

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.15534 of 2020

Alaka Mishra

...Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Secretary,
Home (Prison) Department, Fort St. George,
Chennai - 600 009.
2. The Additional Director General of Police,
and Inspector General of Prison,
Tamil Nadu Prison Department, Egmore,
Chennai - 600 008.
3. The Superintendent of Prison,
Central Prison-I, Puzhal, Chennai.
4. The Medical Officer,
Central Prison-I, Puzhal,
Chennai.

... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus, directing the respondents to extend 'A' Class facility in the prison to Priyanath Mishra S/o Late Lingaraj Misra, Convict No.7898, lodged in Central Prison-I, Puzhal, Chennai.

For Petitioner : Mr. Anand Padmanabhan
For Respondents: Mr. C. Raghavan,
Government Advocate

ORDER

This writ petition has been filed for the issue of writ of mandamus directing the respondents to extend 'A' Class facility to the husband of the petitioner who is presently lodged at Central Prison, Puzhal, Chennai.

2. The husband of the petitioner was convicted and sentenced for an offence under Section 13(2) r/w 13(1) (c) of the Prevention of Corruption Act, 1988. This was further confirmed by this Court in Criminal Appeal.No.691/2015 and it

was further confirmed by the Hon'ble Supreme Court by an order dated 19.05.2018.

3. The petitioner who is the wife of the convict has stated that her husband is facing serious health issues due to which, his mobility has been severely impaired. That apart, he also has a history of advance stage of hernia. According to the petitioner, the convict satisfies all the requirement for grant of 'A' Class facility in the prison. Since the representation made by the petitioner was not considered, the present writ petition has been filed seeking for appropriate directions.

4. The learned Government Advocate appearing for the respondents, brought to the notice of this Court, counter affidavit filed by the third respondent. The learned counsel submitted that as per the Prison Rules, the third respondent had already sent the recommendation to the District Magistrate at Odisha in the month of December 2020 and till date there has been no response. The learned counsel further submitted that Rule 226 of the Tamilnadu Prison Rules, 1982 provides for the authority which can order for Class 'A' facility to convict.

5. The learned counsel for the petitioner brought to the notice of this Court, the annexure that were filed along with the representation which gave the particulars of the income tax returns filed by the convict. The learned counsel further submitted that the husband of the petitioner is facing serious health ailments and he cannot be made to wait endlessly and till the response is received from the District Magistrate, this Court may consider directing the respondents to provide for Class 'A' facility to the husband of the petitioner.

6. Taking into consideration of the facts and circumstances of the case, there shall be a direction to the third respondent to provide Class 'A' facility to the husband of the petitioner, pending the response from the District Magistrate at Odisha. As and when the recommendation is received from the District Magistrate, the same can be taken into consideration and acted upon. The petitioner is directed to make a fresh representation to the third respondent along with the copy of this order.

7. This writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1. The Secretary,
Government of Tamil Nadu,
Home (Prison) Department, Fort St. George,
Chennai - 600 009.
2. The Additional Director General of Police,
and Inspector General of Prison,
Tamil Nadu Prison Department, Egmore,
Chennai - 600 008.
3. The Superintendent of Prison,
Central Prison-I, Puzhal, Chennai.
4. The Medical Officer,
Central Prison-I, Puzhal,
Chennai.
5. The Public Prosecutor,
High Court, Madras.
6. The Registrar General,
Odisha at Cuttack.

+lcc to Mr.S.Ravee Kumar, Advocate, S.R.No.7130

W.P.No.15534 of 2020

(CO)
rv(10/02/2021)

सत्यमेव जयते

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