



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :28.10.2021

CORAM:

THE HONOURABLE MR.JUSTICE V. BHARATHIDASAN
and
THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) .No.19346 of 2021

Divya

... Petitioner

-vs-

1. The Additional Director General of Police/
Inspector General of Prison,
Egmore, Chennai.

2. The Superintendent of Prison,
Central Prison,
Trichy.

3. The Superintendent of Prison,
Central Prison,
Madurai.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to transfer the petitioner's husband namely Kalimuthu @ Vellaikali son of Shanmugavel confined at Central Prison, Trichy to the Central Prison, Madurai based on the petitioner's representation dated 22.10.2021.

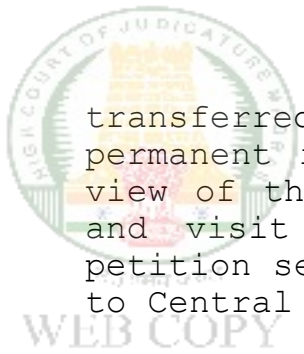
For Petitioner : Mr.P.Mani Anandh
For Respondents : Mr.S.Ravi
Additional Public Prosecutor

O R D E R

(Order of the Court was made by V. BHARATHIDASAN, J.)

The writ petition has been filed seeking transfer of the petitioner's husband, who is a under trial prisoner from Central Prison, Trichy to Central Prison, Madurai.

2. According to the petitioner, her husband one Kalimuthu @ Vellaikali, has been arrested and remanded to judicial custody in respect of eight murder cases and one criminal case under NDPS Act. In all the cases, trials are pending. Earlier, the petitioner's husband was confined in Central Prison, Madurai and subsequently, he was transferred to Central Prison, Coimbatore and thereafter,



transferred to Central Prison, Trichy. The petitioner is a permanent resident of Madurai and used to visit her husband. In view of the transfer, she is finding it difficult to go to Trichy and visit her husband and therefore, she has filed this writ petition seeking transfer of her husband from Central Prison, Trichy to Central Prison, Madurai.

3. Mr.S.Ravi, learned Additional Public Prosecutor on instructions would submit that the petitioner involved in eight murder cases apart from one NDPS Act case for possession of commercial quantity of ganja. The petitioner's husband is a notorious rowdy element and there is a rival group and the same is also confined in Central Prison, Madurai, and there is likelihood of clash between two groups and therefore, only for security purpose, the petitioner's husband was transferred to Trichy and hence, he cannot be transferred to Central Prison, Madurai.

4. Considering the circumstances that the petitioner's husband is a under trial prisoner, confined at Central Prison, Trichy and a rival group is also said to be confined at Central Prison, Madurai, if the petitioner's husband is transferred to Central prison Madurai, there is likelihood of clash between two groups, the petitioner's husband cannot be transferred to Central Prison, Madurai at this stage and therefore, we find no merit in this writ petition.

In the result, the writ petition is dismissed. No Costs.

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

pm

Note :In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1. The Additional Director General of Police/
Inspector General of Prison, Egmore, Chennai.



2. The Superintendent of Prison,
Central Prison, Trichy.

3. The Superintendent of Prison,
Central Prison, Madurai.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.P.MANI ANANDH, Advocate (SR-33481[F] dated
01/11/2021)

W.P. (MD) No.19346 of 2021
28.10.2021

KMV(CO)
KB(16.11.2021) 3P 6C