

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2022

Coram

THE HONOURABLE MR. JUSTICE P.N.PRAKASH
and
THE HONOURABLE MS. JUSTICE R.N.MANJULA

Writ Petition No.13957 of 2021

V.Parvathamma
W/o.Venkatachalapathy

.. Petitioner

Vs.

1.The State of Tamil Nadu,
represented by the
Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Director General of Police & I.G. of Prisons,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Superintendent of Prisons,
Central Prison,
Vellore - 2.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents to consider the representation of the petitioner dated 15.05.2021 and transfer the petitioner's husband Venkatachalapathy s/o.Kuzhandaiyappan, from Central Prison, Vellore to the Central Prison, Bangalore, Karnataka.

For Petitioner : Ms.S.Nadhiya

For Respondents: Mr.R.Muniyapparaj
Additional Public Prosecutor

O R D E R

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

The petitioner's husband is a life convict (CT No.3095), having been convicted and sentenced in S.C.No.33 of 2007 on 19.12.2017 by the Additional District and Sessions Judge, Hosur,

Krishnagiri District, for the offence u/s.302 IPC. The appeal of the life convict in C.A.No.810 of 2017 has been dismissed by this Court. While so, the petitioner gave a representation dated 15.05.2021 requesting transfer of her husband from Central Prison, Vellore to Central Prison, Bangalore in Karnataka, as she has shifted her residence to Karnataka. After giving the said representation, the petitioner has filed the present writ petition.

2. Heard Ms.S.Nadhiya, learned counsel for the petitioner and Mr.R.Muniyapparaj, learned Additional Public Prosecutor appearing for the State.

3. Mr.R.Muniyapparaj, learned Additional Public Prosecutor, submitted that the request of the petitioner seeking prison transfer has been rejected by the Government of Karnataka vide order dated 07.12.2021, which reads as follows:

'Please refer letters vide at ref (1) & (2). The Commissioner of Police, Bengaluru City, in his report has not recommended the transfer request of Life Convict No.3095 Venkatachalapathi @ Venkatara Jalapathi S/o.Kulnathaiappan @ Koothappan from Central Prison, Vellore to Central Prison, Bengaluru vide at ref (3).

Hence, the above said prisoner request for transfer is rejected.'

4. Pursuant to the said order, the Director General of Prison, Tamil Nadu, has passed an order dated 09.12.2021 rejecting the request of the petitioner. Copies of both orders have been furnished to the learned counsel for the petitioner.

5. This Court does not have jurisdiction to issue a direction to the Government of Karnataka. Therefore, this Writ Petition is closed with liberty to the petitioner to work out her remedy in the manner known to law. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

gm

To

1.The Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai - 600 009.

2.The Director General of Police & I.G. of Prisons,
Gandhi Irwin Road,
Egmore, Chennai - 600 008.

3.The Superintendent of Prisons,
Central Prison, Vellore - 2.

4.The Public Prosecutor,
High Court, Madras.

Writ Petition No.13957 of 2021

MT(CO)
CB(01/02/2022)