



W.P(MD)No.21906 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 16.09.2022

CORAM

THE HON'BLE MRS JUSTICE J. NISHA BANU
AND
THE HON'BLE MR JUSTICE N. ANAND VENKATESH

W.P(MD)No.21906 of 2022
and WMP(MD) No.16062 of 2022

Mariammal

.. Petitioner

Vs.

- 1.The Principal Secretary,
Home (Prison) Department,
Fort St.George,
Secretariat,
Chennai-600 009.
- 2.The Additional Director General of Police(Prison)
The Inspector General Prison,
CMDA Tower-II
No.1, Gandhi Irwin Road,
Egmore, Chennai.
- 3.The Superintendent of Prison,
Cuddalore Central Prison,
Cuddalore.
- 4.The Superintendent of Prison,
Madurai Central Prison,
Madurai.



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5.The Superintendent of Prison,
Tiruchirappalli Central Prison,
Tiruchirappalli.

.. Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents 1 and 2 to transfer the petitioner's son namely Sekar, S/o.Mari, aged about 28 years from the Central Prison, Trichy by considering the petitioner's representation dated 30.07.2022 forthwith.

For Petitioner : M/s.J.Sankara Pandian

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

J. NISHA BANU,J.
and
N. ANAND VENKATESH,J.

This writ petition has been filed by the mother of the detenu for issuance of a writ of Mandamus directing the respondents to transfer the son of the petitioner, who is now confined at Central Prison, Cuddalore to the Central Prison, Madurai or to the Central Prison, Trichy.

2.The main ground on which this writ petition has been filed is that



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several cases were foisted against the son of the petitioner and all those cases are pending before various Courts in Madurai and hence, the son of the petitioner is not able to get proper legal assistance and he is also not able to regularly attend the cases since he has to be brought from Cuddalore to Madurai every time. The second ground that has been raised in this writ petition is that the petitioner is not able to meet her son, since the petitioner is in Madurai and her son is now confined at Central Prison, Cuddalore.

3. The learned Additional Public Prosecutor, on instructions, submitted that there was a commotion in the Madurai Central Jail and the son of the petitioner was also one of the person, who involved himself in causing disturbance in the Central Jail, Madurai. As a result, a decision was taken to transfer some of the inmates, who were instrumental in the commotion caused inside the jail. Accordingly, the son of the petitioner was transferred from Central Prison, Madurai to Central Prison, Cuddalore.

4. The learned Additional Public Prosecutor further submitted that the representation made by the petitioner was also rejected by the Jail Superintendent of Central Prison, Cuddalore through proceedings dated



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08.09.2022. It is seen from the proceedings that the Jail Superintendent has relied upon the proceedings of the Additional Deputy Inspector General of Prisons dated 16.07.2010, whereby, instructions have been given not to retransfer any prisoner within a period of one year from the date of transfer.

5. This Court has carefully considered the submissions made on either side and the materials available on record.

6. It is clear from the written instructions submitted by the learned Additional Public Prosecutor that there are many cases pending against the son of the petitioner and all those cases are pending before the Courts in Madurai. In view of the same, it is not appropriate to bring the son of the petitioner every time from Central Prison, Cuddalore to the Courts in Madurai and this will unnecessarily involve a strain on the public exchequer. That apart it also involves security issues.

7. In view of the above, this Court deems it fit to order for the transfer of the son of the petitioner to the Central Prison, Trichy. Mr.R.Sampath, Deputy Jailor, Central Prison, Cuddalore,, who was present at the time of



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hearing, also stated that the son of the petitioner is being brought from the Central Jail, Cuddalore for attending the hearings in the Courts at Madurai.

It will be more appropriate to transfer the son of the petitioner to Central Prison, Trichy, so that it will be more easier to produce him before the Courts in Madurai during the date of hearing in various cases.

8. In view of the above discussion, this writ petition is disposed of with a direction to the third respondent to immediately take steps to transfer the son of the petitioner, namely, Sekar, S/o.Mari, from Central Prison, Cuddalore to Central Prison, Trichy. Consequently connected Miscellaneous Petition is closed.

(J.N.B.,J.) (N.A.V.,J.)
16.09.2022

Index : Yes/No

Internet : Yes

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- 5.The Superintendent of Prison,
Tiruchirappalli Central Prison,
Tiruchirappalli.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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**J. NISHA BANU,J.
and
N. ANAND VENKATESH,J.**

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