



WP NO.9562 OF 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.07.2023

CORAM

**THE HONOURABLE MR.JUSTICE M.SUNDAR
AND
THE HONOURABLE MR.JUSTICE R.SAKTHIVEL**

W.P.NO.9562 OF 2023

K.Maheswari

.. Petitioner

Vs.

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

2.The Superintendent of Prisons
Central Prison
Salem – 7.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in the order bearing Muu.Mu.No.8146/Ci Na.2/2003 dated 28.02.2023 passed by respondent No.1 and quashing the same, and directing the respondent No.1 to transfer the petitioner's brother Mr.Irusappan, Son of Varatharajan, Life Convict, aged about 47 years, from Central Prison Salem to Central Prison-1, Puzhal, Chennai.



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For Petitioner : Ms.S.Nadhiya

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

[Order of the Court was made by M.SUNDAR, J.]

This order will now dispose of the captioned 'Writ Petition' [hereinafter 'WP' for the sake of convenience and clarity]

2.Factual matrix in a nutshell i.e., factual matrix containing essential facts imperative for appreciating this order are that the writ petitioner is brother one Thiru. Irusappan Son of Thiru. Varatharajan is a Life Convict who was originally lodged in Cuddalore Central Prison; that in June of 2021 convict prisoner was transferred to Salem Central Prison; that the writ petitioner (Life Convict's sister) sent a representation dated 01.02.2023 to the Deputy of the first and second respondents seeking transfer of convict prisoner from Salem Central Prison to Central Prison, Puzhal, Chennai *inter alia* on the ground that the convict prisoner is injured, he has lost part of his fingers in an occurrence on 06.11.2008; that the convict prisoner is now facing serious physical handicap; that this representation was disposed of by



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the first respondent in and by 'orders / proceedings dated 28.02.2023 bearing

Reference No. MP.மு.எண்.8146 / சிந.2 / 2023' (hereinafter 'impugned order' for the sake of convenience and clarity); that captioned WP has been filed assailing the impugned order and seeking transfer of convict prisoner to Central Prison, Puzhal, Chennai.

3. We heard Ms.S.Nadhiya, learned counsel for petitioner and Mr.E.Raj Thilak, learned Additional Public Prosecutor for respondents.

4. We find that the impugned order is very terse as it only says that there is life threat and transfer has been done (Cuddalore to Salem) taking into account administrative convenience without any elaboration though there is a reference to two letters one from the Salem Prison Superintendent and another from the Deputy Inspector General of Prison, Coimbatore Range but there is no discussion about the contents of the same. Therefore, we deem it appropriate to set aside the impugned order on the sole ground that it is terse (without expressing any opinion on the merits of the request for transfer). We further deem it appropriate to relegate the matter i.e.,



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representation dated 01.02.2023 to the first respondent with a direction to consider the 01.02.2023 representation on its own merits and in accordance with law, taking into account further developments and current obtaining position post impugned order i.e., post 28.02.2023 i.e., what was happened in the last five months or thereabouts and make a speaking order afresh. The *denovo* order shall be made as expeditiously as the business of the first respondent to permit but in any event within four weeks from today i.e., by 11.08.2023. The order so made by the first respondent shall be communicated to the writ petitioner under due acknowledgment within five working days from the date of disposal.

5.Captioned writ petition is disposed of with the aforesaid directives. There shall be no order as to costs.

(M.S., J.)

(R.S.V., J)

14.07.2023

Index : Yes/No

Speaking / Non-speaking order

Neutral Citation : Yes / No

TK

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To

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I.G. of Prisons
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