



WEB COPY



W.P.No.22224 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.07.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

W.P.No.22224 of 2023

A.Asina Banu

.. Petitioner

Vs.

1. State by the Deputy Inspector General of Police
(Head Quarters)
Prison Head Quarter Office
Gandhi Irvin Salai
Egmore, Chennai – 600 008

2. The Superintendent of Prison
Central Prison
Cuddalore-4

..Respondents

Petition 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 Javeed Basha, son of Saleem Basha, aged about 32 years, Convict Prisoner from the Central Prison, Cuddalore to Central Prison, Puzhal I, Chennai.

For Petitioner : Ms.S.Nadhiya



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For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

This order will now dispose of the captioned 'Writ Petition' ['WP' for the sake of brevity].

2. Factual matrix in a nutshell is that the petitioner's spouse one Thiru.Javeed Basha, aged 32 years, son of Saleem Basha is serving sentence having been convicted in C.C.No.45 of 2015 by the Principal Sessions Court (EC & NDPS), Chennai; that the convict prisoner has already served 8 years of sentence; that the convict prisoner was originally lodged in Puzhal Central Prison; that three years later, convict prisoner was transferred to Cuddalore Prison; that according to writ petitioner, the convict prisoner has a blemishless conduct in Cuddalore Prison; that the writ petitioner had earlier sent a representation dated 27.04.2023 requesting the authorities to not to transfer the convict prisoner from Puzhal Central Prison to Cuddalore Central Prison; that the writ petitioner moved the Hon'ble Vacation Bench of this Court vide W.P.No.14634 of 2023 which in and by an order dated 10.05.2023 directed the Director General of Police and Inspector General of



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Police to consider and dispose of the earlier representation dated 27.04.2023; that however, the convict prisoner was transferred to Cuddalore; that the writ petitioner has now sent another 'representation dated 04.07.2023' [hereinafter 'said representation' for the sake of brevity] seeking re-transfer of the convict prisoner from Cuddalore Central Prison back to Puzhal Central Prison on the grounds that (a) writ petitioner and convict prisoner have two young children, aged 8 years and 2 years who fall ill frequently, (b) convict prisoner's mother one Sharvath Shakhan, aged 56 years is unwell and (c) visitor rights of the petitioner is being affected as she has to travel 200 kms to reach Cuddalore; that under such circumstances, captioned WP has been filed in this Court on 24.07.2023 with a mandamus prayer.

3. Issue notice.

4. Mr.A.Gokulakrishnan, learned Additional Public Prosecutor accepts notice for both the respondents.

5. Learned Prosecutor submits on instructions that as regards the earlier representation of the writ petitioner making a request to not to transfer the convict prisoner from Puzhal Central Prison to Cuddalore Central Prison, the same has been disposed of by a detailed order dated 12.05.2023 bearing reference மு.மு.எண்.1397/ சிந.2/ 2023 made by the Director General of



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Prisons. To be noted, learned counsel for writ petitioner submits that this 12.05.2023 order has not been served on the writ petitioner. However, today a hard copy of the same has been furnished to the learned counsel for writ petitioner.

6. Be that as it may, as regards said representation, learned Prosecutor submits on instructions that the same will be disposed of within a fortnight from today i.e., by 10.08.2023.

7. Let said representation be disposed of on its own merits and in accordance with law within a fortnight from today i.e., by 10.08.2023. Disposal of said representation by the first respondent shall be communicated to the writ petitioner under due acknowledgment within seven working days from the date of disposal.

Captioned WP disposed of in the aforesaid manner with the aforementioned directives.

(M.S.,J.) (R.S.V.,J.)
27.07.2023

Index : Yes / No
Speaking / Non-speaking order
Neutral Citation : Yes / No
gpa



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To

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1. The Inspector General of Police
(Head Quarters)
Prison Head Quarter Office
Gandhi Irvin Salai
Egmore, Chennai – 600 008
2. The Superintendent of Prison
Central Prison
Cuddalore-4
3. The Public Prosecutor
High Court, Madras.



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M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

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