



W.P.(MD) No.314 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.01.2023

CORAM:

**THE HONOURABLE MR.JUSTICE P.N.PRAKASH
and
THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN**

W.P.(MD) No.314 of 2023

S.Jeyapaul

... Petitioner

-VS-

- 1.The Home Secretary
Government of Tamil Nadu
Secretariat, Chennai
- 2.The Director General of Prison
O/o.DGP
Gandhi Irwin Road
Egmore, Chennai-600 008
- 3.The Superintendent of Prison
Central Prison
Palayamkottai
Tirunelveli District

... Respondents



W.P.(MD) No.314 of 2023

WEB C

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the third respondent to provide the petitioner A class facility in the prison as per Rules 225 to 227 of the Tamil Nadu Prison Rules, 1983 by considering the petitioner's application dated 11.04.2022 and the subsequent reminder dated 09.07.2022.

For Petitioner : Mr.T.Lenin Kumar

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

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

Seeking A Class facility in the Central Prison, Palayamkottai, the petitioner, a convict prisoner (CT No.504), who has been convicted and sentenced for the offence under Section 489C I.P.C., and sentenced to undergo five years rigorous imprisonment, has filed this writ petition.

2. Learned counsel for the petitioner submitted that the petitioner is a graduate and has also enrolled as Advocate in the Bar Council of Tamilnadu and Puducherry and hence, his case would fall within Rule 225 of the Tamil Nadu Prison Rules, 1983 (for brevity, “the Rules”).



W.P.(MD) No.314 of 2023

WEB COPY

3. Learned Additional Public Prosecutor appearing for the respondents, on instructions, submitted that the representation of the petitioner has been forwarded to the District Collector for report and thereafter, it is for the Government to take a decision in this regard under Rule 227 of the Rules.

4. We gave our anxious consideration to the rival submissions.

5. We are of the view that this Court cannot issue a mandamus as prayed for by the petitioner, inasmuch as it is the prerogative of the Government to grant or refuse to grant the said facility taking into consideration the facts and circumstances of the case. Hence, this writ petition is dismissed. However, it is made clear that dismissal of this writ petition will not stand in the way of the Government taking a decision one way or the other. No costs.

[P.N.P., J.] [G.J., J.]

06.01.2023

Index : Yes / No

Internet : Yes / No

NCC : Yes / No

krk

Page 3 of 5



W.P.(MD) No.314 of 2023

WEB COPY

To:

- 1.The Home Secretary,
Government of Tamil Nadu,
Secretariat, Chennai.
- 2.The Director General of Prison,
O/o.DGP,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
- 3.The Superintendent of Prison,
Central Prison,
Palayamkottai,
Tirunelveli District.



WEB COPY



W.P.(MD) No.314 of 2023

P.N.PRAKASH, J.
and
DR.G.JAYACHANDRAN, J.

krk

W.P.(MD) No.314 of 2023

06.01.2023