



W.P.(MD).No.8194 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 17.07.2023

CORAM

**THE HON'BLE MR JUSTICE M.S.RAMESH
AND
THE HON'BLE MR JUSTICE M.NIRMAL KUMAR**

W.P.(MD).No.8194 of 2023

Muthumari

.. Petitioner

Vs.

1.State of Tamil Nadu,
represented by, The Principal Secretary,
Home (Prison) Department,
State of Tamil Nadu,
Fort St.George,
Secretariat,
Chennai – 600 009.

2.The Director General of Police /
Director General of Prisons and Correctional Services,
Whannels Road,
Egmore,
Chennai – 600 008.

3.The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India
to issue a writ of Mandamus, directing the respondents to take appropriate



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action for transfer the petitioner's husband by name Doss @ Vattakan @ Perumal @ Pethaperumal (Life Covict CT No.23331) S/o. Perumal from Trichy Central Prison to any other Central Prison near to Tirunelveli District for the purpose of enable the petitioner to visit the petitioner's husband by considering the petitioner's representation dated 27.03.2023 in accordance with law within the time stipulated by this Court.

For Petitioner : Mr.K.M.Karunakaran

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

(Order of the Court was made by M.S.RAMESH,J.)

The petitioner herein seeks for transfer of her husband, namely, Doss @ Vattakan @ Perumal @ Pethaperumal, S/o. Perumal, who is a life convict prisoner (Life Covict CT No.23331) from Trichy Central Prison to any other Central Prison near Tirunelveli District to enable her to visit her husband.

2. In this regard, the petitioner had also made a representation on 27.03.2023, which was rejected on 07.06.2023. When the petitioner herein had sought for transfer of her husband from Trichy Central Prison to



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Tirunelveli, the Superintendent of Prisons, Central Prison, Palayamkottai had given a report stating that if the petitioner's husband is transferred to Palayamkottai, there is a possibility of disturbance of peace.

3. At this juncture, the learned counsel for the petitioner submitted that if the petitioner's husband is transferred to Madurai Central Prison, the petitioner would be satisfied.

4. The issue as to whether such a request can be considered requires to be decided by the second respondent only and therefore, this Court is of the view that if the petitioner is directed to give a representation to the second respondent seeking for such a transfer with a consequential direction to the second respondent to consider the same within a stipulated time, the ends of justice could be secured.

5. Accordingly, the petitioner is granted liberty to make a representation before the second respondent herein seeking for transfer of her husband from Trichy Central Prison to Madurai Central Prison as expeditiously as possible and on receipt of such representation, the second



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respondent shall consider the same on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks thereafter.

6. With the above direction, the Writ Petition stands disposed of.

There shall be no order as to costs.

(M.S.R.,J.) (M.N.K.,J.)
17.07.2023

NCC : Yes / No

Index : Yes / No

Lm

To

1. The Principal Secretary,
Home (Prison) Department,
State of Tamil Nadu,
Fort St. George,
Secretariat, Chennai – 600 009.

2. The Director General of Police /
Director General of Prisons and Correctional Services,
Whannels Road,
Egmore, Chennai – 600 008.

3. The Superintendent of Prison,
Trichy Central Prison,
Trichy District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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and
M.NIRMAL KUMAR,J.

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