



WP(MD)No.15110 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 26.06.2023

CORAM

The Honourable Mr. Justice **R.SURESH KUMAR**
and
The Honourable Mr. Justice **K.K.RAMAKRISHNAN**

W.P.(MD)No.15110 of 2023

Sanal Kumar

.. Petitioner

Vs.

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

2.The Director General of Prisons and Correctional Services,
Gandhi Irwin Road
CMDA Tower
Egmore, Chennai, Tamil Nadu.

3.The Superintendent
Central Prison
Madurai, Tamil Nadu

4.The Director General of Prison
Prison Department
Thiruvananthapuram
State of Kerala

.. Respondents



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Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus to direct the respondents 2 and 3 to consider the petitioner's representation dated 04.05.2023 in consultation with the State Government/the 1st respondent for transferring the petitioner's son Abhinand, aged about 28 years, C.P.No.886 from Central Prison, Madurai to the Kannur Central Prison, State of Kerala.

For Petitioner : Mr.A.Balaji

For Respondents : Mr.A.Thiruvadikumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by **R.SURESH KUMAR, J.**]

The petitioner is a convict. Pursuant to the conviction, he earned from a NDPS case, he has been lodged at Central Prison, Madurai, however, he is a native of State of Kerala. Therefore, he wants transfer from Madurai Prison to the Prison at Kerala. In this regard, he had made a request to the jail authorities. To consider the said request, the present writ petition has been filed for a mandamus.

2. Today, when the writ petition came up for hearing, at the admission stage, Mr.A.Thiruvadikumar, learned Additional Public Prosecutor



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appearing for the respondents, has submitted that the request of the petitioner having been considered was rejected by the third respondent by proceedings dated 24.06.2023 and in support of the said contention, he has produced a copy of the said order, where the third respondent has stated the following:

“2.As per the rule No.572 of Tamil Nadu Prison Manual Volume No.II, the prisoners shall not ordinarily be transferred until the expiry of the period allowed for appeal or until the result of their appeal is known. This prisoner's case is pending before the Hon'ble Madurai Bench of Madras High Court in CrI.M.P.(MD) No.6489/2021 in CrI.A.No.366/2021. Therefore, the request of the petitioners for reciprocal transfer of your son from Central prison, Madurai to Central Prison, Kannur, Kerala State is rejected.”

3. Relying upon the same, the learned Additional Public Prosecutor would submit that since the Tamil Nadu Prison Manual Volume No.II Rule No.572 does not permit for such transfer, hence it is not feasible to consider his request, therefore, it has been rejected, he contended.



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4. Heard the learned counsel for the petitioner, who would submit that if that order has been passed on 24.06.2023, liberty may be given to the petitioner to challenge the same in the manner known to law.

5. Having recorded the aforesaid submission made by both sides and taking note of the said order dated 24.06.2023, we feel that nothing survives in this petition, as the very same representation of the petitioner having been considered was rejected through the said order. Accordingly, the writ petition is dismissed, of course, with liberty as sought for by the petitioner.

(R.S.K.,J.) (K.K.R.K.,J.)
26.06.2023

Index : Yes/No
Internet : Yes

RR



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



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