



W.P(MD)No.27887 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 27.11.2023

CORAM :

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

W.P(MD)No.27887 of 2023

Manikandan

... Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by The Principal Secretary,
Home, Prohibition and Excise Department
State Secretariat, Fort St.George,
Chennai – 600 009.
2. The Director General of Police/Director of
Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Elumbur, Chennai.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... 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 from the 'B' class to 'A' class in Madurai Central Prison in accordance with law within the time stipulated by this Court.



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For Petitioner

: Mr.S.Ramesh Kumar

For Respondents

: Mr.A.Thiruvadi Kumar

Additional Public Prosecutor

ORDER

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

Captioned 'Writ Petition' (hereinafter 'WP' for the sake of brevity, convenience and clarity) has been filed in this Court on 21.11.2023.

2.WP petitioner is a prison inmate having been convicted and handed down life sentence vide judgment of conviction and sentence dated 28.03.2013 in S.C.No.55 of 2006 on the file of learned Principal Sessions Judge, Virudhunagar District at Srivilliputhur (it is erroneously mentioned as Sessions Court, Ramanathapuram vide paragraph 3 of the support affidavit) which was confirmed by this Court vide judgment dated 31.10.2017 in Crl.A.(MD) No.278 of 2016.

3.Short point is WP petitioner seeks 'A' Class in Madurai Central Prison saying that he satisfies all determinants in this regard qua 'Tamil Nadu Prison Rules, 1983' (hereinafter 'said Rules' for the sake of brevity).



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4.Learned counsel also draws our attention to the representation sent to the respondents in this regard being representation dated 09.11.2023 and a scanned reproduction of the same as placed before us is as follows:

From:

Manikandan, (M.49/2023)
S/o, Palaniappan,
Usilangudi Village,
Pandiyam Nagar,
Virudhunagar District.
(Now confining as life-convict in Madurai Central Prison)

To:

1. The Principal Secretary,
Home, Prohibition and Excise Department,
State of Tamil Nadu,
State Secretariat, Fort St. George,
Chennai-600 009.
2. The Director General of Police/Director General of Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irwin road,
Egmore,
Chennai.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

Sub: To take appropriate action to transfer me from the 'B' Class to 'A' Class in Madurai Central Prison.

Respected Sir/Madam,

Sivakasi Town Police registered FIR in crime no.145 of 2006 under Sections 302 and 306 (ii) of the Indian Penal Code against me relating to the murder of my wife and on 28.03.2013 the Hon'ble Sessions Court, Ramanathapuram in S.C.No.55 of 2006 convicted and sentenced me to undergo life imprisonment.

By challenging the said judgment, I filed criminal appeal before the Hon'ble Madurai Bench of Madras High Court in CrI.A.(MD) No.278 of 2016 and the same was dismissed on 31.10.2017.

I am innocent I have not committed any such offence as mentioned by the prosecution. That for more than 11 years I am confining at Madurai Central Prison. I have completed B.A., (Political Science) with first division through prison in Indira Gandhi National Open University.

I am entitling for undergoing my imprisonment as 'A' Class prisoner in Madurai Central Prison. Now I am aged about 49 years old and suffering from several ailments. I have maintaining good conduct inside the prison. I submitted oral reorientation before the prison officials for provide 'A' Class to me in Madurai Central Prison.

The Tamil Nadu Prison Rules 1983 says that

225. Petition to Government for Classification:

The government may also action a reference from the superintendent of the prison on a petition from the prisoner. The superintendent shall forward the petition through the inspector-general to the government. The government may also act suo-motu or on a representation by the prisoner's relatives and friends. Except as provided under the rule 226, the superintendents shall place every convicted prisoner in class B.

I state that rule 225 reads as, "Classes of Prisoners.- (1) As mentioned in rule 217, convicted prisoners are divided in to two divisions or classes, "A" and "B".

(i) Prisoners shall be eligible for classes shall be eligible for class "A" , if they by social status, education, or habit of life have been accustomed to a superior mode of living. Habitual prisoners, may, at the discretion of the classifying authority, be included under this class on grounds of character and antecedents.

Therefore by considering my above submissions, I request your good self to take appropriate action to transfer me from the B Class to A Class in Madurai Central Prison.

Thank You

09.11.2023

Your's Truly,



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5.Issue notice.

6.Mr.A.Thiruvadi Kumar, learned Additional Public Prosecutor submits, on instructions, that aforesaid representation is under active consideration of the respondents. He has also submitted that the third respondent has written to learned Principal District Judge, Srivilliputhur vide communication dated 24.11.2023 bearing reference No. 18518/jF/4/2023 seeking for a report.

7.No sooner than the report is received from the learned Principal District Judge, the request would be processed further is learned Prosecutor's say.

8.In this view of the submission, we deem it appropriate to direct the learned Principal District Judge, Virudhunagar District at Srivilliputhur to respond to aforementioned 24.11.2023 communication as expeditiously as his business would permit but in any event within one week from today i.e., by 04.12.2023.



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9.In the light of the narrative thus far, with the consent of both sides, main WP is taken up.

10.We dispose of the captioned main WP with a directive to respondents to dispose of aforementioned 09.11.2023 representation as expeditiously as the business of respondents would permit but in any event within six weeks from today i.e., by 08.01.2024. There shall be no order as to costs.

(M.S., J.) (R.S.V., J.)
27.11.2023

Index : Yes/No
Neutral Citation : Yes/No
PKN



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To

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1. The Principal Secretary,
Home, Prohibition and Excise Department
State Secretariat, Fort St.George,
Chennai – 600 009.
2. The Director General of Police/Director of
Prisons and Correctional Services,
C.M.D.A. Towers II,
No.1, Gandhi Irvin Road,
Elumbur, Chennai.
3. The Superintendent of Prison,
Madurai Central Prison,
Madurai District.
4. The Principal District Judge,
Virudhunagar District at Srivilliputhur.
5. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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

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ORDER MADE IN
W.P(MD)No.27887 of 2023

27.11.2023