



W.P.No.972 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 12.01.2024

CORAM :

THE HON'BLE MR. JUSTICE M.S.RAMESH
AND
THE HON'BLE MR.JUSTICE SUNDER MOHAN

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H.Ismath Batcha

...Petitioner

vs.

1. The Director General of Police (Prisons),
Department of Prison,
Prison Head Quarters, Wannels Road, Egmore,
Chennai – 600 008.

2. The Deputy Inspector General of Prison
Wannels Road, Egmore, Chennai – 600 008.

3. The Superintendent,
Poonamallee Sub Jail, Poonamallee, Chennai.

4. The Superintendent,
Central Prison-I, Puzhal, Chennai.

5. The Deputy Superintendent of Police,
National Investigation Agency (NIA),
Kochi,
having office at
Miller Street, Purasaiwakkam,



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Chennai.

...Respondents

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Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the 1st respondent to transfer the petitioner's son namely Mohammed Farvees, S/o.Ismath Batcha from Sub Jail, Poonamalee, Chennai to Central Prison, Puzhal, Chennai by considering the petitioner's representation dated 24.07.2023.

For Petitioner :: Mr.R.Sankarasubbu

For Respondents :: Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

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

The petitioner, who is the mother of the under-trial prisoner namely Mohammed Farvees, S/o.Ismath Batcha, now confined in the Sub Jail, Poonamallee, Chennai, has come forward with this writ petition to direct the respondents to consider her representation dated 24.07.2023 to transfer her son from Sub Jail, Poonamallee, Chennai to Central Prison, Puzhal, Chennai.

2.(i) The petitioner states that her son was arrested in connection with



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the murder of one Ramalingam in Cr.No.17 of 2019 on the file of Thiruvudaimarudur Police Station, Thanjavur District; that the investigation in the above said case was subsequently transferred to NIA who on completion of investigation filed the charge sheet before the Special Court for NIA cases at Poonamallee at Chennai and on the same, the learned Special Court took the case on file as Spl.S.C.No.20 of 2022 and now the case is pending in trial; and that her son has been under judicial custody over a period of four years and 10 months.

(ii) It is the further case of the petitioner that her son is confined at Sub Jail, Poonamallee; that the said prison is housed in a very old building and has no basic facilities as like other prisons in the State of Tamil Nadu; that due to the same, her son's health is badly deteriorated and as such he requires medical treatment often. Therefore, she made a representation, dated 24.07.2023 to the respondents to transfer her son from Sub Jail, Poonamallee, Chennai to Central Prison, Puzhal, Chennai. Since the same has not been considered till date, she has come forward with this writ petition.



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WEB COPY 3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. Having regard to the limited scope of the prayer in the writ petition, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this writ petition, directs the respondents to consider the representation of the petitioner, dated 24.07.2023 to transfer her son from Sub Jail, Poonamallee, Chennai to Central Prison, Puzhal, Chennai, and pass appropriate orders on merits and in accordance with law, within a period of four weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.

5. With the above direction, this writ petition is disposed of.

(M.S.R.,J.)

(S.M.,J.)

12.01.2024

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Internet : Yes

Index : Yes / No

Neutral Citation : Yes / No



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6. The Public Prosecutor,
High Court, Madras.



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