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W.P.No.843 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.01.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.843 of 2024

N.Halila

... Petitioner

Vs.

1.The Director General of Police (Prison),
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.



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5. The Deputy Superintendent of Police,
National Investigation Agency [NIA],
Kochi
Having Office at
Miller Street, Purasaiwakkam,
Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the first respondent to transfer the petitioner's husband, namely, Nijam Ali S/o.Sarthakhan 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 wife of Nijam Ali, Son of Sarthakhan, now confined in the Sub Jail, Poonamallee, has come forward with this writ petition to direct the first respondent to transfer her husband to Central Prison, Puzhal, Chennai.



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2.The petitioner states that her husband was confined in Sub Jail, Poonamallee in connection with Spl.S.C.No.20 of 2022 which is pending trial before the learned Sessions Judge, Special Court for NIA Cases, Poonamallee, Chennai. The petitioner further states that there are no basic facilities available in the said prison. Further, one of the co-accused died in the year 2023 due to delay in providing medical treatment at Sub Jail, Poonamallee and yet another co-accused was transferred to Central Prison, Puzhal, Chennai, since he has got mental health issues. Therefore, she made a representation dated 24.07.2023 to the respondents to transfer her husband from Sub Jail, Poonamallee to Central Prison, Puzhal, Chennai. Since the same has not been considered till date, she has come forward with this writ petition.

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



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the contentions of the petitioner in the affidavit filed in support of this writ petition, directs the first respondent to consider the representation of the petitioner, dated 24.07.2023 to transfer her husband from Sub Jail, Poonamalee to Central Prison, Puzhal, Chennai and pass appropriate orders on merits and in accordance with law, within a period of two 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. No costs.

[M.S.R., J] [S.M., J]

12.01.2024

Index: Yes/No
Speaking/Non-speaking order
Internet: Yes/No
Neutral Citation: Yes/No

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Puzhal, Chennai.
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National Investigation Agency [NIA],
Kochi
Having Office at
Miller Street, Purasaiwakkam,
Chennai.
6. The Public Prosecutor,
High Court, Madras.



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