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W.P.No.5789 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.5789 of 2024
& WMP.No.6419 of 2024

R.Kalaiselvi

... Petitioner

Vs.

1.The Director General of Prison,
O/o the Director General of Prison,
Whanells Road, Egmore,
Chennai District – 600 008.

2.The Deputy Director General of Prison,
O/o of Director General of Prison,
Nearby Central Prison, Thuraipadi,
Vellore District.

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

4.The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.

... Respondents



W.P.No.5789 of 2024

WEB COPY

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorari Mandamus, to call for the records and quash the order of rejection vide proceedings Mu.Mu.No.42880/Si.Na.2/2023 dated 19.10.2023 passed by the 1st respondent and further directing the 1st respondent to transfer petitioner husband convict prisoner Mr.Rajaguru S/o.Perumal CT No.16803 from 3rd respondent prison to 4th respondent Prison in pursuant to petitioner representation dated 09.08.2023.

For Petitioner : Mr.P.Muthamizhselvakumar
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
assisted by Mr.Aravind.C

ORDER

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

The petitioner's husband, named, Rajaguru, aged about 27 years, Convict No.16803, confined at Central Prison, Cuddalore, has come forward with this writ petition seeking transfer of her husband from Central Prison, Cuddalore to Central Prison, Puzhal, Chennai.



W.P.No.5789 of 2024

WEB COPY

2.The petitioner states that her husband was convicted and sentenced to undergo life imprisonment in S.C.No.141 of 2016 vide order dated 13.02.2020 of the learned III Additional Sessions Court, Poonamallee. It is stated that her husband has been confined at Central Prison, Cuddalore for the past four years. The petitioner's case is that she and her family are residing at Chennai and Cuddalore being more 440 Kms away from her residence, it is causing lot of inconvenience in visiting her husband in the Jail. Therefore, she made a representation dated 09.08.2023 to the respondents seeking transfer of her husband from Central Prison, Cuddalore to Central Prison, Puzhal, Chennai. However, the respondents have rejected the request of the petitioner through the impugned order by citing that the request of the petitioner could not be considered due to administrative reasons. Hence, she has come forward with this writ petition challenging the same.

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



W.P.No.5789 of 2024

WEB COPY

4.The learned Additional Public Prosecutor would submit that owing to administrative reasons they are unable to transfer the petitioner's husband from the Central Prison, Cuddalore to the Central Prison, Puzhal, Chennai.

5.We find force in the submissions of the learned counsel for the petitioner that specific reason has not been assigned as to why the prisoner has to be detained at Central Prison, Cuddalore. This apart, it is brought to our notice that the petitioner's husband is also involved in 3 other cases, in two of which, the trial is pending before the Poonamallee Court at Chennai. In this background, it will also be convenient for the respondents at Chennai to produce the detenu, as and when required, before the trial Court.

6.Thus we are not convinced with the reasons assigned by the respondents in the impugned order and therefore, the impugned order of the 1st respondent is quashed. Thereby, there shall be a direction to the respondents herein to transfer the petitioner's husband Rajaguru, aged



W.P.No.5789 of 2024

about 27 years, Convict No.16803 from the Central Prison, Cuddalore to the Central Prison, Puzhal, Chennai forthwith and in any event, within a period of two (2) days from the date of receipt of a copy of this order.

7. With the above direction, this writ petition is allowed. No costs.

Consequently, the connected miscellaneous petition is closed.

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

12.04.2024

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

Tsg

Note: Issue order copy on 15.04.2024

To

1. The Director General of Prison,
O/o the Director General of Prison,
Whanells Road, Egmore,
Chennai District – 600 008.

2. The Deputy Director General of Prison,
O/o of Director General of Prison,
Nearby Central Prison, Thuraipadi,
Vellore District.

3. The Superintendent of Prison,



W.P.No.5789 of 2024

Cuddalore Central Prison,
Cuddalore District.

4.The Superintendent of Prison,
Central Prison Puzhal,
Chennai District.

5.The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.5789 of 2024

M.S.RAMESH, J.
and
SUNDER MOHAN, J.

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W.P.No.5789 of 2024

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