



W.P.No.9467 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.9467 of 2024

K.Divya

... Petitioner

Vs.

1.The Director General of Police &
Inspector General of Prisons and Correctional Service,
Gandhi Irwin Road, Egmore, Chennai – 600 008.

2.The Inspector General of Prisons,
Vellore Range,
Vellore-2.

3.The Superintendent of Prison,
Central Prison,
Vellore-2.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 22.3.2024 and transfer the petitioner's husband Mr.Kalimuthu @ Vellai Kali, S/o Shanmugavel, aged 35



W.P.No.9467 of 2024

years, Ct.No.4506, convict prisoner, Central Prison, Vellore, to the Central Prison-1, Puzhal, Chennai-66.

For Petitioner : Mr.K.Sakthivel
For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor
Asst. by Mr.C.Aravind

ORDER

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

The petitioner, who is the wife of Kalimuthu @ Vellai Kali, Son of Shanmugavel, now confined in the Central Prison, Vellore, has come forward with this writ petition to direct the respondents to transfer her husband to Central Prison-1, Puzhal, Chennai-66.

2.The petitioner states that her husband was arrested on 20.09.2020 by the Karimedu Police Station in Crime No.1403/2020 U/s.8(c)r/w 20(b)(ii)(c) of NDPS Act and remanded him to judicial custody. After trial, on 22.07.2022, he was convicted in C.C.No.267 of 2020 u/s. 8(c)r/w 20(b)(ii)(c) of NDPS Act and sentenced to undergo 10 years R.I by the 2nd Additional Special Court for NDPS Act cases, Madurai District and confined



W.P.No.9467 of 2024

at the Central Prison-1, Puzhal, Chennai. Thereafter, the petitioner preferred an appeal in CrI.A(MD)No.347 of 2023 before the Madurai Bench of the Madras High Court. However, on 03.10.2023, the conviction and sentence of the trial Court was confirmed by the Madurai Bench of the Madras High Court. The petitioner further states that there are no basic facilities are available in the said prison. Further, the petitioner contends that her husband is kept in HS-4 block where mental patients/prisoners are kept, for violating the prison rules and she was informed by the prison administration that her husband will not be interviewed for a month. Therefore, she made a representation dated 22.03.2024 to the respondents to transfer her husband from Central Prison, Vellore to the Central Prison-1, Puzhal, Chennai-66. 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,



W.P.No.9467 of 2024

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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 first respondent to consider the representation of the petitioner, dated 22.03.2024 to transfer her husband from Central Prison, Vellore to Central Prison-1, Puzhal, Chennai-66 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]

05.04.2024

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

Tsg

To

Page 4 of 6



W.P.No.9467 of 2024

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4. The Public Prosecutor,
High Court, Madras.



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W.P.No.9467 of 2024

M.S.RAMESH, J.
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Tsg

W.P.No.9467 of 2024

05.04.2024