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W.P.No.17196 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.08.2024

CORAM :

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM**

**W.P.No.17196 of 2024
and
WMP.No.18976 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

4 The Superintendent of Prison,
Central Prison 1, Puzhal, Chennai.

.... Respondents

PRAYER: Petition filed under Article 226 of Constitution of India to issue a Writ of Certiorarified Mandamus, to Call for the records No. NIL dated 03.06.2024



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passed by respondent No. 1 and quash the same and consequently direct the respondents to transfer the petitioner's husband Mr. Kalimuthu @ Vellai Kali, S/o.Shanmugavel, aged 35 years, Ct. No 4506, convict prisoner, now confined in the Central Prison, Vellore, to the Central Prison -1, Puzhal, Chennai -66

For Petitioner : Mr. P. Pugalenth
For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor

ORDER

(Order of the Court is made by *S.M.SUBRAMANIAM, J.*)

The order of rejection rejecting the application submitted by the petitioner to transfer her husband/convict prisoner, viz., Kalimuthu @ Vellai Kali, from Central Prison, Vellore to Central Prison-1, Puzhal, Chennai-66, in proceedings dated 03.06.2024, is under challenge in the present Writ Petition.

2.The learned counsel appearing on behalf of the petitioner would submit that the petitioner is the wife of the convict prisoner, Kalimuthu @ Vellai Kali. The convict prisoner is facing frequent threats at Central Prison, Vellore. Moreso, he had been subjected to harassment frequently and on an earlier occasion, a writ petition was filed in this regard.



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3.Originally, the convict prisoner was lodged in Puzhal prison and on account of administrative reason, he was transferred to Central Prison, Coimbatore, where, the convict prisoner was subjected to harassment. Thereafter, he was transferred from Coimbatore Prison to Central Prison at Vellore.

4.Pertinently, the counter affidavit filed by the 3rd respondent/Superintendent of Central Prison, Vellore, reveals that the convict prisoner No.4506, Kalimuthu @ Vellaikali S/o. Shanmugavel, who is the opponent of V.K.Gurusamy, remand prisoner, Seeyan Pandi, remand prisoner, Ammu @ Venkatesan, remand prisoner, Sangili Poovathan remand prisoner, Muthukrishnan, all are confined in various block in Central Prison, Vellore. Hence, convict prisoner No.4506, Kalimuthu @ Vellaikali was confined in High Security-I Block for the safety and security of the convict prisoner. Further, the counter states that the inmate is facing so many life threats from other opponent inmates in the prison and often he is coming out of the high security block-1 seeking permission to visit the welfare office, remission, inpatient hospital and video Court. Therefore, there should be no mishap in the prison. Though the Superintendent, Central Prison, Vellore states that proper security arrangements are provided for the inmates in the block, he admits that some short of security issue is present in respect of the husband of the writ



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petitioner.

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5. In view of the counter affidavit filed by the 3rd respondent /Superintendent of Central Prison, Vellore and considering the facts and circumstances, we are inclined to consider the present writ petition. That apart, the reasons stated in the application filed by the petitioner were not considered by the first respondent in the impugned order except by stating that he was transferred from Coimbatore Prison to Vellore Prison, the other details now produced in the counter affidavit by the Superintendent, Vellore Prison, has not been considered by the authorities who passed the impugned order.

6. Thus, the impugned order dated 03.06.2024 passed by the first respondent is quashed and the respondents are directed to transfer the husband of the petitioner, Convict Prisoner No.4506, Kalimuthu @ Vellaikali, S/o. Shanmugavel, from Central Prison, Vellore to the Central Prison-1, Puzhal. It is made clear that on administrative grounds, the authorities are at liberty to thereafter transfer if required to any other prison by following the due procedure.

With the above directions, this Writ Petition Stands allowed. No costs.



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Consequently, connected miscellaneous petition is closed.

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[S.M.S., J.]

[V.S.G., J.]

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No
mrp

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