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W.P.No.18543 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH

AND

THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.18543 of 2024

Vasantha Kumar

... Petitioner

Vs.

1.The Director General of Prison,
Office of Director General of Prison,
Gandhi Irwin Road, CMDA Building,
Egmore, Chennai-008.

2.The Superintendent of Prison,
Central Prison at Vellore,
Ramset Nagar, Thorapadi,
Vellore-2.

3.The Superintendent of Prison,
Central Prison at Maduari,
Arasaradi, Madurai-625 016.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to direct the first respondent to transfer the petitioner/convict namely Vasantha Kumar, S/o.Moorthi from second respondent to third respondent in pursuance of



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the petitioner's father representation dated 14.06.2024.

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For Petitioner : Mr.M.Mohamed Saifulla
For Respondent : Mr.A.Gokulakrishnan
Additional Public Prosecutor

ORDER

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

The petitioner herein is the convict prisoner confined at Central Prison, Vellore. Since the petitioner's family members have to travel 400 Kilo Meters to visit their son / the petitioner herein, the father of the petitioner made a representation dated 14.06.2024 to the respondents seeking to transfer the petitioner from Central Prison, Vellore to Central Prison, Madurai. However, the same has not been considered till date, the petitioner has come forward with this Writ Petition.

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

3. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the



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respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

4. In view of the above observation, 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 14.06.2024, seeking for transfer of the petitioner from second respondent prison to third respondent prison, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.



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

Anu

5. With the above direction, this Writ Petition stands disposed of.

No costs.

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

11.07.2024

Index: Yes/No
Speaking/Non-speaking order
Anu

To
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2.The Superintendent of Prison,
Central Prison at Vellore,
Ramset Nagar, Thorapadi,
Vellore-2.

3.The Superintendent of Prison,
Central Prison at Maduari,
Arasaradi, Madurai-625 016.

4.The Public Prosecutor,
High Court,
Madras.

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