



WEB COPY



W.P.No.26554 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2024

CORAM :

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

W.P.No.26554 of 2024

Gopi

... Petitioner

Vs.

1.The Secretary to Government of Tamil Nadu,
Department of Home,
Chennai - 600 009.

2.The Director General of Police,
Director General of Prison,
CMDA Towers II, No.1, Gandhi Erwin Salai,
Egmore, Chennai.

3.The Superintendent,
Central Prison for women,
Puzhal, Chennai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the second respondent to consider the petitioner's representation dated 12.08.2024.

For Petitioner : Mr.A.Saranraj

For Respondents : Mr.E.Raj Thilak,
Additional Public Prosecutor

ORDER



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

The Writ of Mandamus has been instituted to direct the second respondent to consider the petitioner's representation dated 12.08.2024 and pass orders.

2. The representation submitted by the father of the convict prisoner would reveal that there is an apprehension of attack inside the prison by the rival groups, who are also lodged in the Puzhal prison. Except the general statement, the petitioner has not stated any specific incident or named the persons against whom the allegations are made. Blanket allegations need not be entertained for the purpose of considering the relief to transfer a convict prisoner from one prison to another prison.

3. The learned Additional Public Prosecutor on instructions would submit that there is no apprehension as such raised by the petitioner is established.

4. The petitioner has not named any rival prisoner or any other person. In the absence of any materials available on record, the application submitted seeking transfer of prison cannot be considered. We have considered the issue on merits. The representation itself is bereft of information and materials for the purpose of considering the claim of the petitioner. Even for issuing a



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direction to dispose of the representation, the petitioner has to establish a right.

In the absence of any right, the Court cannot blanketly issue a direction to consider the representation. Since the petitioner has not made out any *prima facie* case for considering the representation, the writ petition stands dismissed.

5. Accordingly, the writ petition stands **dismissed**. No Costs.

[S.M.S., J.]

[V.S.G., J.]

09.09.2024

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Index: Yes/No

Speaking/Non-speaking order

To

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Director General of Prison,
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Egmore, Chennai.

3.The Superintendent,
Central Prison for women,
Puzhal, Chennai.

4.The Public Prosecutor.
High Court, Madras.

S.M.SUBRAMANIAM, J.

AND

V.SIVAGNANAM, J.



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