



WEB COPY



W.P.No.29956 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.11.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.29956 of 2024

R.Saraswathy

.. Petitioner

v.

1. The State represented by its
The Director General of Prison
Office of the Director General of Prison
Gandhi Irwin Road, Egmore
Chennai 600 008

2. The Superintendent of Prison
Office of the Central Prison at Coimbatore
Gandhipuram, Coimbatore-18

3. The Superintendent of Prison
Central Prison at Salem
Hasthampatti, Salem 636 007

.. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records in No.23089/thagu2/2023-5 dated 12.09.2024 passed by the 2nd respondent and quash the same, consequently direct the respondents to retain the husband of the petitioner/convict namely D.Radha Krishnan, S/o Duraisamy,



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Life Convict Prisoner (PID No.34149) 20871, aged about 53 years at permanently at Central Prison, Salem.

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For Petitioner :: Mr.M.Mohamed Saifulla

For Respondents :: Mr.R.Muniyapparaj
Additional Public Prosecutor

ORDER

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

The order of rejection dated 12.09.2024 on the representation submitted by the petitioner/wife of the prisoner is under challenge in the present writ proceedings.

2. The petitioner's husband, namely, Radha @ Radhakrishnan, S/o Duraisamy, Convict No.20871 (PID No.34149) is a life convict. He was convicted and sentenced to imprisonment for life and presently lodged in the Central Prison at Salem. The petitioner submitted an application seeking to retain the prisoner at the Central Prison in Salem mainly on the ground that the prisoner is having pending criminal cases at Salem. That apart, the family members and relatives of the prisoner are also residing at Salem.



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3. The application submitted by the petitioner was rejected by the Superintendent of Central Prison, Coimbatore mainly on the ground that the Director General of Prisons and Correctional Services considered the reasons and rejected the request. Thus the present writ petition.

4. Transfer of a prisoner from one prison to another prison or his/her retention in one prison, as the case may be, cannot be claimed as an absolute right by the prisoners. Certain administrative proceedings are effected for efficient administration of prisons across the State of Tamil Nadu and the Courts cannot interfere in such administrative proceedings effected by the competent authorities of the Prison Department. However, the transfer of a prisoner from one prison to another prison or his/her request for retention in a particular prison, is to be considered strictly in accordance with the rules applicable. The power of discretion conferred on the authorities must be exercised judiciously and considering the mitigating factors prevailing in the prisons as well as by considering the grievances of the prisoners. However, the High Court, in exercise of the powers of judicial review, under Article 226, cannot interfere with such administrative decisions, unless the said



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exercise is made by the competent authorities in violation of the Prison Rules or based on extraneous considerations or on the ground of mala fides. In the absence of anyone of such grounds, the power of judicial review need not be exercised by the High Court.

5. In the present case, the counter filed by the respondents would indicate that the prisoner herein has committed prison offences in the year 2020 and suffered punishment. Other administrative reasons are also considered by the prison authorities. Under these circumstances, we do not find any reason to interfere with the impugned order, which was passed based on administrative reasons. However, the petitioner is at liberty to submit further application at the appropriate time. With these observations, the writ petition stands dismissed. No costs.

Index : yes/no
Neutral citation : yes/no

(S.M.S.,J.) (M.J.R.,J.)
19.11.2024

SS



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High Court, Madras



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