



WEB COPY



W.P.No.35409 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE SUNDER MOHAN

W.P.No.35409 of 2023

Thenmozhi @ Thenammal

... Petitioner

Vs.

1.The State represented by its,
Secretary to Government of Tamil Nadu,
Home Prison Department (IV),
St. George Fort,
Chennai – 600 009.

2.The Additional Director General of Police,
Prisons/The Inspector General of Police,
CMDA Tower II, No.1, Gandhi Irwin Road,
Egmore,
Chennai – 8.

3.The Superintendent of Police,
Central Prison for Women, Puzhal,
Chennai – 66.

4.The Superintendent of Police,
Central Prison for Women, Madurai,
Madurai District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,



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praying for the issuance of Writ of Certiorarified Mandamus, calling for the entire records relating to the order of 2nd respondent bearing proceedings Notice Mu.Mu.En.42861/Sina.2/2019 dated 02.11.2023 and quash the same and consequently directing the respondents to consider the petitioner's representation dated 12.10.2023, in accordance with law.

For Petitioner : Mr.S.Senthilvel

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Mr.C.Aravind

ORDER

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

The petitioner is the mother of one Nagajothi, who was undergoing imprisonment at Special Prison for Women, Puzhal, Chennai. On 20.02.2023, the prisoner was transferred from Special Prison for Women, Puzhal, Chennai (hereinafter referred to as 'Chennai Prison') to Special Prison for Women, Madurai (hereinafter referred to as 'Madurai Prison'), on administrative reasons. When a representation dated 12.10.2023 was made for transferring the prisoner back to the Chennai Prison, the same came to be rejected on 02.11.2023, citing administrative reasons. This



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order is put under challenge in the present Writ Petition.

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2. The learned Additional Public Prosecutor was directed to file a report with regard to the prisoner's conduct and behaviour at the Madurai Prison, after her transfer. Accordingly, the Superintendent of Prisons (i/c), Special Prison for Women, Madurai, has filed a report dated 04.03.2024, wherein, it is observed that the prisoner has not committed any offence during her imprisonment at Madurai Prison. The learned Additional Public Prosecutor has also submitted on instructions, that her conduct and behaviour during her imprisonment at Madurai Prison, has been satisfactory.

3. The learned counsel for the petitioner would submit that the prisoner has 2 school going children, who are studying in Chennai and a serious prejudice is caused to her since she is unable to meet her children.

4. By taking into account the satisfactory report of the Superintendent of Prisons (i/c), Special Prison for Women, Madurai and also by taking into consideration that the prisoner's 2 children are staying



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at Chennai, we deem it appropriate that the prisoner can be re-transferred to Chennai Prison.

5. Accordingly, the impugned order dated 02.11.2023 passed by the second respondent in his proceedings in Mu.Mu.En.42861/Sina.2/2019, is hereby quashed and the Writ Petition stand allowed. Consequently, there shall be a direction to the second respondent herein, to forthwith pass order, transferring the prisoner namely Nagajothi, aged about 28 years, W/o.Chidambaram, Lct.376 from Special Prison for Women, Madurai to Special Prison for Women, Puzhal, Chennai, within a period of one (1) week. However, it is brought to the notice of the second and third respondents herein, that if the prisoner namely Nagajothi, indulges in any prison offence or her conduct and behaviour during the course of her imprisonment is not satisfactory, liberty is hereby granted to the second and third respondents to take appropriate action, in accordance with law. No costs.

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

06.03.2024



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Index: Yes/No
Speaking/Non-speaking order

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To

1.The Secretary to Government of Tamil Nadu,
Home Prison Department (IV),
St. George Fort, Chennai – 600 009.

2.The Additional Director General of Police,
Prisons/The Inspector General of Police,
CMDA Tower II, No.1, Gandhi Irwin Road,
Egmore, Chennai – 8.

3.The Superintendent of Police,
Central Prison for Women, Puzhal,
Chennai – 66.

4.The Superintendent of Police,
Central Prison for Women, Madurai,
Madurai District.

5.The Public Prosecutor,
High Court, Madras.



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

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