



W.P.(MD).No.3814 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 18.03.2024

CORAM

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
AND
THE HONOURABLE MR.JUSTICE C.KUMARAPPAN**

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Sekar

.. Petitioner

Vs.

- 1.The Director General of Prison,
Directorate of the Central Prison,
Chennai.
- 2.The Deputy Director General of Prison,
Directorate of the Central Prison,
Chennai.
- 3.The Superintendent of Prison,
Trichy Central Prison,
Trichy.

.. Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, to direct the first respondent to forbear the third respondent from removing entire clothes from the body in the name of check-up while returning to the prison through escort and consequently ensuring the prisoner's right to have access to basic amenities by following the Tamil Nadu Prison Rules, 1983 scrupulously.



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For Petitioner : Mr.R.Vignesh
for Mr.J.Vijayaraja

For Respondents : Mr.S.Ravi
Additional Public Prosecutor

ORDER

DR.G.JAYACHANDRAN,J.
and
C.KUMARAPPAN,J.

When the matter came up for consideration before this Court on 11.03.2024, adjournment was sought for on behalf of the petitioner and this Court passed the following order:

“When the Court is about to dismiss the Writ Petition, learned counsel represents that she is only a representing counsel. Learned counsel on record is not well and not able to attend the Court. Post the matter on 18.03.2024.”

2. Today, again some other counsel represents the counsel on record and seeks adjournment by stating that the counsel on record is hospitalized.

3. The present Writ Petition is filed by a remand prisoner confined at Trichy Central Prison. His grievance is that whenever he attends the Court



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and returns to the prison with escort, he is subjected to inhuman act by the prison authorities. He is checked by removing his dress and only thereafter, permitted to enter the Cell. Hence, through his counsel, he issued a notice on 15.10.2023 and thereafter, the present Writ Petition is filed.

4. In the affidavit filed in support of this petition, the observations of the Hon'ble Supreme Court in the case of ***Sunil Batra Vs. Delhi Administration reported in AIR 1980 SC 1579*** have been extensively extracted, besides the Tamil Nadu Prison Rules and the Prison Manual of Pondicherry.

5. No doubt, the prisoners have all rights of human as well as that of citizen. There cannot be any inhuman treatment or unlawful subjugation of the prisoner. However, neither the representation sent through the counsel nor the representation sent through the mother of the remand prisoner does not disclose any deprivation of fundamental rights or human rights. A representation is sent by one J.Vijayaraja, Advocate, who is also incidentally the counsel on record in this Writ Petition. In the said representation, it is stated that prisoners are compelled to purchase eateries sold in the prison



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canteen and at the same time, they are not provided with pocket diary to make note of things like soap, comb, oil, toothpaste provided by their friends and relatives, who visit them in the prison. The grievance of the remand prisoner exposed through the counsel is particularly the act of the prison authorities taking note of cell phone numbers of the visitors. Apart from that, there are also certain vague and general allegations that the provisions of the Prison Manual and the Prison Act are not followed and basic amenities are deprived to the prisoners in prison.

6. This Court is apprised of the fact that pursuant to the directions of the Hon'ble Supreme Court, the Judicial Officers are mandated to visit the prisons periodically and send report to the High Court and the High Court through the Administrative Judges and Portfolio Judges are directed to peruse the report and take necessary action. As far as the body search of a person, who is admitted in prison, it is a fundamental mandatory requirement both for the safety of the prisoner inside and the prison authorities. Body search while admitting a prisoner inside a prison is common to all and it cannot be doubted or termed as an inhuman act.



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7. The allegations of the petitioner are either wild, bald, unspecific or unsustainable. The Courts have time and again made observations and issued directions to the prison authorities as to how the prisoners should be treated. The Courts have never intended to compromise the safety and security of the prison. Having come to know about the cases of illegal exchange of drug inside the prison, use of cell phones and hiding with weapons smuggled from outside, minimum care and caution taken by the prison authorities cannot be faulted. In fact, the Writ Petition is filed with an ulterior motive to put spokes on the prison authority's discharge of duty in the manner known to law. Hence, the Writ Petition is dismissed as devoid of merits. There shall be no order as to costs.

(G.J.,J.) (C.K.,J.)
18.03.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
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3. The Superintendent of Prison,
Trichy Central Prison,
Trichy.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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