



W.P(MD)No.9221 of 2024

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2024

CORAM:

**THE HONOURABLE MR.JUSTICE A.D.JAGADISH CHANDIRA
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

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... Petitioner

-VS-

1.The Secretary to the Government,
Home Department,
State of Tamil Nadu,
Fort St. George,
Chennai-9.

2.The Director General of Prison,
Gandhi Irwin Road,
Egmore,
Chennai-9.

3.The Superintendent of Prison,
Central Prison,
Madurai.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus directing the first respondent to provide "A" Class Facility to the petitioner's husband namely M.Berlin Jose, S/o.Muthiyan, CP No.2287,



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Central Prison, Madurai, based on the petitioner's representation dated 05.04.2024 within the stipulated time.

For Petitioner : Mr.T.Augustin Ebenezer

For Respondents : Mr.A.Thiruvadi Kumar
Additional Public Prosecutor

ORDER

[Order of the Court was made by A.D.JAGADISH CHANDIRA, J.]

The present Writ Petition is filed for a writ of mandamus directing the first respondent to provide "A" Class Facility to the petitioner's husband namely M.Berlin Jose, S/o.Muthiyan, CP No.2287, Central Prison, Madurai, based on the petitioner's representation. dated 05.04.2024.

2. The case of the petitioner is that the petitioner's husband was convicted on 01.03.2024 by the learned Special Court for POCSO Act Cases, Madurai and sentenced to undergo 7 years Rigorous Imprisonment for the offences under Sections 9(g), (i), (m), (o) of POCSO Act in Spl.S.C.No.29/2021 and he is confined in Central Prison, Madurai. The petitioner's husband is Post



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Graduate in Business Administration and also an Advocate and an income tax assessee and is eligible of 'A' Class facility in prison. The petitioner's husband has sent a representation to the third respondent seeking "A" Class facility. The petitioner also sent a representation to the Government on 05.04.2024 seeking "A" Class facility to her husband. Since the respondents have not taken any action on the representation, the petitioner has filed the present writ petition.

3. The learned Additional Public Prosecutor appearing for the respondents would submit that the third respondent had called for a report from the trial Court, however, the trial Court has sent a communication stating that no such request was made, seeking "A" class facility, at the time of passing the final judgment and thereby he has not passed any orders with regard to 'A' class facility. He would further submit that based on the representation, reports have been called for from the Collectorate.

4. A perusal of the records shows that the request for 'A' class facility has been made by the petitioner citing Rule 227 of the Tamil Nadu Prison Manual. Rule 227 of the Tamil Nadu Prison Manual reads as follows:-



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"227. Petition to Government for classification:-

The Government may also act on a reference from the Superintendent of the Prison on a petition from the prisons. The Superintendent shall forward the petition through the Inspector-General to the Government. The Government may also act suo motu or on a representation by the prisoner's relatives and friends. Except as provided under rule 226, the Superintendents shall place every convicted prisoner in Class "B"."

As per Rule 227, the Government may also act *suo motu* or on a representation by the prisoner's relatives and friends. In this case, the petitioner, who is the prisoner's wife, representation is pending from 05.04.2024.

5. Therefore, we direct the Government to take a decision on the petitioner's representation, dated 05.04.2024 and pass orders on merits and in accordance with law within a period of four weeks from today.



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6. In the result, this writ petition is disposed of. No costs.

[A.D.J.C., J.] [K.R.S., J.]
19.06.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes / No
am

To:

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Home Department,
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- 2.The Director General of Prison,
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A.D.JAGADISH CHANDIRA, J.



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AND
K.RAJASEKAR, J.

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