



**W.P(MD) No.20999 of 2024**

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

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**Date : 21.10.2024**

**CORAM**

**THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN  
and  
THE HON'BLE MS.JUSTICE R.POORNIMA**

**W.P(MD) No.20999 of 2024**

Fathimakani

... Petitioner

Vs

1 . The Principal Secretary

Home(Prison) Department,  
Government of Tamilnadu,  
Chief Secretariat St.George Fort,  
Chennai - 600009.

2. The Director General of Police,

Cum Director General of Prison and  
Correctional Services,  
Tamil Nadu Prisons and Correctional  
Services Department,  
Whannels Road, Egmore, Chennai.

3. The Deputy Inspector General

of Prison An Correctional Services,



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Office of the DIG of Prisons,  
Madurai Range,  
Madurai - 625016.

4. The Deputy Inspector General of Prison  
and Correctional Service,  
Office of the District of Prisons, Trichy Range,  
Trichy - 620020.
5. The Deputy Inspector General  
of Prison and Correctional Service,  
Office of the DIG of Prisons,  
V4QF+2C3, Ramsait Nagar,  
Thorapadi, Vellore - 632002.
- 6 The Superintendent of Prison  
Vellore Central Prison, Vellore District.
- 7 .The Superintendent of Prison  
Trichy Central Prison, Trichy District.
8. The Superintendent of Prison  
Madurai Central Prison,  
Madurai District.

... Respondents



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**PRAYER:** Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents 1 to 5 to transfer the petitioner's son, by name, Asik Mohamed @ A1 Asik, son of Sowkathali, aged about 30 years, from Vellore Central Prison, to the Madurai Central Prison or Trichy Central Prison, in accordance with law within the time stipulated by this Court.

For Petitioner : Dr.R.Alagumani

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

### **ORDER**

This writ petition has been filed in the nature of a Mandamus seeking a direction to the respondents 1 to 5 to transfer the son of the petitioner, namely, Asik Mohamed @ A1 Asik, son of Sowkathali, aged about 30 years, from Vellore Central Prison, to the Madurai Central Prison or Trichy Central Prison.

2. In the affidavit filed in support of the petition, it had been stated that there are several cases pending against the son of the petitioner in



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Dindigul District and he has also been convicted and sentenced for the offence under the POCSO Act in Spl.S.C.No.385 of 2023. It had been stated that the petitioner has found it difficult to go to Vellore to meet her son. It had been therefore stated that her son may be transferred to either Madurai Central Prison or Trichy Central Prison.

3. Counter affidavit had been filed by the sixth respondent, wherein, it had been pointed out that the son of the petitioner had been convicted under Section 67-B(a) of IT Act and also under Section 12 of POCSO Act and sentenced concurrently in Spl.S.C.No.385 of 2023 by the Special Court for exclusive trial of Cases under POCSO Act, Dindigul. He had been admitted originally to Central Prison, Trichy and he had been transferred to Madurai Prison, subsequently. In both the Central Prison, Trichy and Central Prison, Madurai, earlier incidents come to knowledge that the son of the petitioner was in possession of mobile phones in both the Prisons (i.e., Central Prison, Trichy and Central Prison, Madurai) and the same were recovered from the son of the petitioner.



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4. In view of that particular fact, the respondents had taken a decision to transfer the son of the petitioner to the Central Prison at Vellore.

5. After hearing both sides, on the hearing date 03.10.2024, we have sought an opinion whether the son of the petitioner could be transferred to Palayamkottai Central Prison. It is now informed that the Superintendent of Prison at Palayamkottai, had issued proceedings No. 4669/த.சூ2/2024, dated 19.10.2024, drawing an observation dated 03.10.2024 and accepting to admit the son of the petitioner to Palayamkottai Central Prison, however, on stringent observation of conduct.

6. It is made clear that the son of the petitioner is facing the scrutiny of the good conduct. He would suffer if he is transferred back to the Central Prison, Vellore. The learned counsel for the petitioner is also present and we had requested him to instruct the son of the petitioner, to avoid adverse orders passed in future.



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7. This Writ Petition stands disposed of. No costs.

**(C.V.K., J.)      (R.P, J.)**  
**21.10.2024**

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To

- 1 . The Principal Secretary  
Home (Prison) Department,  
Government of Tamilnadu,  
Chief Secretariat St. George Fort,  
Chennai - 600009.
2. The Director General of Police,  
Cum Director General of Prison and  
Correctional Services,  
Tamil Nadu Prisons and Correctional  
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8. The Superintendent of Prison  
Madurai Central Prison,  
Madurai District.
- 9.The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.



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**and**

**R.POORNIMA, J.**

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