



W.P.No.2767 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.02.2025

CORAM :

THE HONOURABLE MR. JUSTICE M.S. RAMESH
AND
THE HONOURABLE MR. JUSTICE N.SENTHILKUMAR

W.P.No.2767 of 2025

JAINAF

...Petitioner/ wife of the detenue

Vs.

1. The Director General Of Police
Director General Of Prisons And
Correctional Service, Gandhi Irwin
Road, Egmore, Chennai-600 008

2.The Superintendent Of Prison
Central Prison, Vellore-2

3.The Superintendent Of Prison
Central Prison, Salem-636 007

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, to consider the representation of the petitioner dated 19.11.2024 and direct the respondents to transfer the petitioner's husband, Mr.Umar Faaruq alias Srinivasan, S/o.T.Kasi, aged 40 years, remand prisoner, now confined in the Central prison, Vellore, to the central prison, Salem.



W.P.No.2767 of 2025

WEB COPY

For Petitioner : Mr.P.Pugalenthi

For Respondent : Mr.S.Raja Kumar
Additional Public Prosecutor

ORDER

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

This Writ Petition has been filed to consider the representation of the petitioner dated 19.11.2024 and direct the respondents to transfer the petitioner's husband, Mr.Umar Faaruq alias Srinivasan, S/o.T.Kasi, aged 40 years, remand prisoner, now confined in the Central prison, Vellore, to the central prison, Salem.

2. The petitioner states that her husband was arrested in connection with RC.No.01/2022/NIA/CHE under Section 174 Cr.P.C., and 3(a) of the Explosive Substances Act and remanded to judicial custody at Special Court for NIA Cases, Poonamallee, Chennai and he was detained at Central Prison, Coimbatore. Thereafter, he was transferred to Central Prison, Vellore. Since the petitioner with her school going children finds it difficult travelling from Tiruppur to Vellore, she made a representation dated 19.11.2024 before the respondents seeking to transfer the



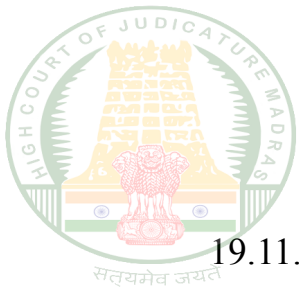
W.P.No.2767 of 2025

petitioner's husband from Central Prison, Vellore to Central Prison, Salem. Since the same has not been considered till date, the petitioner has come forward with this Writ Petition.

3. Heard the learned counsel for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

4. It is needless to point out that whenever a representation of this nature is made to a Statutory Authority, there is a duty cast upon the respondents to consider the same on its own merits and pass appropriate orders in one way or other, instead of keeping the same pending indefinitely. As such, non-consideration of the representation by the Statutory Authority would amount to dereliction of duty and hence, this Court will be justified in invoking its extraordinary powers under Article 226 of Constitution of India and direct them to consider the same within a stipulated time.

5. In view of the above observation, this Court, without going into the merits of the petitioner's representation or the contentions of the petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated



W.P.No.2767 of 2025

19.11.2024, seeking to transfer the petitioner's husband from Central Prison, Vellore to Central Prison, Salem, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of four (4) weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

6. With the above direction, this Writ Petition stands disposed of.

No costs.

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

26.02.2025

Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

Anu

To

1. The Director General Of Police
Director General Of Prisons And Correctional Service,
Gandhi Irwin Road, Egmore, Chennai-600 008

2. The Superintendent Of Prison
Central Prison, Vellore-2

3. The Superintendent Of Prison
Central Prison, Salem-636 007

4. The Public Prosecutor,
High Court, Madras.



WEB COPY



W.P.No.2767 of 2025



WEB COPY



W.P.No.2767 of 2025

M.S.RAMESH, J.
and
N.SENTHILKUMAR, J.

Anu

W.P.No.2767 of 2025

26.02.2025