



W.P.No.3273 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

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BHARATHY

...Petitioner/ sister of the detenue

Vs.

1. The State Represented By Its,
The Secretary To Government Of
Tamil Nadu,
Department Of Home,
Fort St. George, Chennai 600 009

2. The Additional Director General
Of Prison,
Egmore, Chennai 600 008

3. The Superintendent
Coimbatore Central Prison,
Coimbatore 641 018

4. The Superintendent
Vellore Central Prison,
Vellore 632 002

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of Writ of Mandamus, directing the respondents
to transfer the detenue, Seenivasan, S/o. Chandirasekar, aged about 32



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years old, Convict Prisoner, Convict Prisoner, Convict No. 22944 from Central Prison, Coimbatore to Central Prison Vellore, permanently.

For Petitioner : Mr.M. Ezhilarasu
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 direct the respondents to transfer the detenue, Seenivasan, S/o. Chandirasekar, aged about 32 years old, Convict Prisoner, Convict Prisoner, Convict No. 22944 from Central Prison, Coimbatore to Central Prison Vellore, permanently.

2. The petitioner states that her brother was convicted in S.C.C.No.1 of 2019 for the offence under Sections 6 of POCSO Act, 2012 sentenced to undergo rigorous imprisonment for 20 years with a fine of Rs.10,000/- and he was confined at Central Prison, Coimbatore. Since the petitioner, as a woman finds it difficult travelling from Vellore to Coimbatore, she made a representation dated 10.01.2025 before the respondents, seeking to transfer the petitioner's brother from Central



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Prison, Coimbatore to Central Prison, Vellore, permanently. 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



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respondents to consider the representation of the petitioner dated 10.01.2025, seeking to transfer the petitioner's brother from Central Prison, Coimbatore to Central Prison, Vellore, permanently, if not already disposed of and pass appropriate orders on merits and in accordance with law, within a period of two (2) 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 Secretary To Government Of Tamil Nadu
Department Of Home, Fort St. George, Chennai 600 009

2. The Additional Director General Of Prison



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Egmore, Chennai 600 008

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3.The Superintendent

Coimbatore Central Prison, Coimbatore 641 018

4.The Superintendent

Vellore Central Prison, Vellore 632 002

5.The Public Prosecutor,
High Court, Madras.



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Anu

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