



W.P.No.5672 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.02.2025

CORAM :

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

W.P.No.5672 of 2025

S.Priya

...Petitioner/ wife of the detenue

Vs.

1.The Director General of Police &
Director General of Prisons and Correctional Service,
Whannels Road, Egmore, Chennai-600 008.

2.The Superintendent of Prison,
Central Prison,
Coimbatore-18

3.The Superintendent of Prison,
Central Prison-1,
Puzhal, Chennai-66.

... 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 18.01.2025 and direct the respondents to transfer the petitioner's husband viz., Sethupathi, S/o.Selvam, aged 31 years, remand prisoner, now confined at Central Prison, Coimbatore, to the Central Prison-1, Puzhal, Chennai.

For Petitioner

: Mr.P.Pugalenth



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For Respondent

: Mr.R.Muniyapparaj
Additional Public Prosecutor
assisted by Mr.M.Sylvester John

ORDER

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

This Writ Petition has been filed to consider the representation of the petitioner dated 18.01.2025 and direct the respondents to transfer the petitioner's husband viz., Sethupathi, S/o.Selvam, aged 31 years, remand prisoner, now confined at Central Prison, Coimbatore, to the Central Prison-1, Puzhal, Chennai.

2. The petitioner states that her husband was arrested on 17.07.2024 in connection with Cr.No.713 of 2024 for the offence under Sections 8(c) and 22(c), 20(b)(ii)((B), 29(1) and 25 of NDPS Act, 1985 on the file of the Sholavaram Police Station and remanded to judicial custody on 17.07.2024 at Special Sub Jail, Poonamallee, Chennai and he was transferred to Central Prison, Coimbatore. Since the petitioner with her one month female child could not travel from Thiruvallur to Coimbatore, she made a representation dated 18.01.2025 before the



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respondents seeking to transfer the petitioner's husband from Central Prison, Coimbatore to Central Prison-1, Puzhal, Chennai. 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



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petitioner in the affidavit filed in support of this Writ Petition, directs the respondents to consider the representation of the petitioner dated 18.01.2025, seeking to transfer the petitioner's husband from Central Prison, Coimbatore to Central Prison-1, Puzhal, Chennai, 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]

19.02.2025

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,



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2.The Superintendent of Prison,
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3.The Superintendent of Prison,
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4.The Public Prosecutor,
High Court, Madras.



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