



W.P.No.6966 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.02.2025

CORAM :

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

W.P.No.6966 of 2025

MANIKANDAN

...Petitioner/ the detenue

Vs.

1. The Inspector General Of Prison
Central Prison Kalapet Puducherry
605014

2.The Chief Superintendent Of Jails
Government Of Puducherry,
Jail Department Puducherry

3.The Superintendent Of Prison
Central Prison, Kalapet,
Puducherry 605014

4.The Inspector Of Police,
Odiansalai Police Station,
Puducherry

5.The In-charge Additional
Superintendent Of Police
Sub Jail, Yaanam (AP),
Puducherry (UT)

...Respondents

.....Respondents

.....



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Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Mandamus, directing the 1st respondent to transfer the petitioner from the Sub Jail, Yaanam to the Central Prison, Kalapet, Puducherry based on his representation dated 10.12.2024, within the time frame.

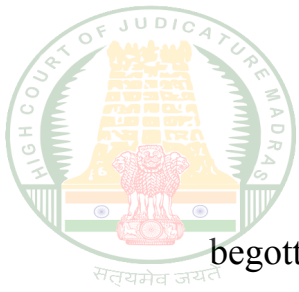
For Petitioner : Mr.K.Gandhi Kumar
For Respondent : Mr.M.V.Ramachandramurthy
Additional Public Prosecutor,
Puducherry
assisted by Mr.Alexandar
Government Advocate,
Puducherry

ORDER

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

This Writ Petition has been filed to direct the 1st respondent to transfer the petitioner from the Sub Jail, Yaanam to the Central Prison, Kalapet, Puducherry based on his representation dated 10.12.2024, within the time frame.

2. The petitioner states that he was convicted in S.C.No.15 of 1999 for the offences under Sections 148, 302, 324 r/w Section 149 IPC and was sentenced to undergo imprisonment for life and he was detained at Sub Jail, Yaanam. He submitted that the petitioner and his wife have



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begotten a child in the year 2024, and the petitioner could not see his child and wife since they have to travel 900 kms from Puducherry to Yaanam to visit the petitioner. Therefore, he made a representation dated 10.12.2024 before the respondents seeking to transfer the petitioner from Sub Jail, Yaanam to Central Prison, Kalapet, Puducherry. 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.



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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 10.12.2024, seeking to transfer the petitioner from Sub Jail, Yaanam to Central Prison, Kalapet, Puducherry, 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]

27.02.2025

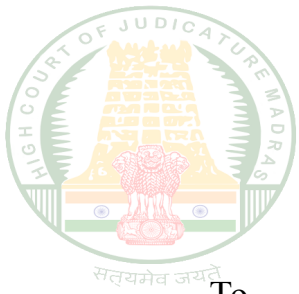
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes/No

Neutral Citation: Yes/No

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To

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Central Prison Kalapet, Puducherry 605014
2. The Chief Superintendent Of Jails
Government Of Puducherry, Jail Department, Puducherry
3. The Superintendent Of Prison
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4. The Inspector Of Police
Odiansalai Police Station Puducherry
5. The In-charge Additional Superintendent Of Police
Sub Jail Yaanam (AP) Puducherry (UT)
6. The Public Prosecutor,
High Court, Madras.



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