



W.P.No.6825 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

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VIJAYALAKSHMI

...Petitioner/ wife of the detenue

Vs.

1. The State Rep By
The Secretary To Government
Department Of Home, Fort St.
George, Chennai 600 009.

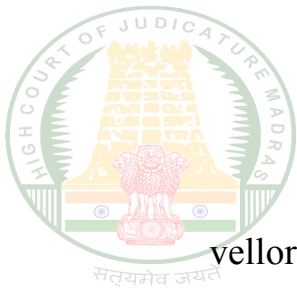
2.The Deputy Inspector General Of
Prison,
Vellore Range, Vellore 632 001.

3.The Superintendent
Central Prison Vellore, Vellore
632 001.

4.The Superintendent
Central Prison, Puzhal,
Puzhal 600 066.

...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 detenu Moganarangam, S/o. Valliyappan, aged about 53 years convict prisoner, bearing convict 11795 from Central prison,



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vellore to central prison, puzhal.

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For Petitioner

: Mr.P. Bakiyaraj

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 direct the respondents to transfer the detenu Moganarangam, S/o. Valliyappan, aged about 53 years convict prisoner, bearing convict 11795 from Central prison, vellore to central prison, puzhal.

2. The petitioner states that her husband was convicted in S.C.No.227 of 1994 for the offences under Sections 120(B), 365 r/w Sections 34, 201, 302 IPC and he was sentenced to undergo imprisonment for death sentence and later, on appeal, the sentence was reduced to imprisonment for life and he was detained at Central Prison, Vellore. Since the petitioner as a women finds it difficult travelling from Chennai to Vellore, made a representation dated 30.09.2024 before the respondents seeking to transfer the petitioner's husband from Central



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Prison, Vellore to Central Prison, Puzhal. 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 30.09.2024, seeking to transfer the petitioner's husband from Central Prison, Vellore to Central Prison, Puzhal, 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

Anu

To

1. The State Rep By The Secretary To Government
Department Of Home,
Fort St George, Chennai 600 009.

2. Deputy Inspector General Of Prison
Vellore Range, Vellore 632 001.

3. The Superintendent
Centrla Prison Vellore, Vellore, 632 001.

4. The Superintendent



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Central Prison, Puzhal, Puzhal 600 066.

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5.The Public Prosecutor,
High Court, Madras.



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

Anu

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