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WP.Crl.No.1091

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.10.2025

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUMAR

AND

THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

W.P.Crl.No. 1091 of 2025

Sivagami

... Petitioner

Versus

**1. The Principal Secretary to Government
Home, Prohibition & Excise Department
Secretariat, Chennai – 600 009**

**2.The Additional Director General of Police
Prison Department
Chennai – 600 009**

**3.The Insepctor General of Prisons
Prison Department, Chennai – 600 009**

**4.The Deputy Inspector General of Prisions
Chennai Range, Chennai - 600 009**

**5.The Superintendent
Central Prison
Puzhal, Chennai - 600 066**

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to consider and dispose of the petitioner's representation dated 03.10.2025 within a fixed period, and to pass orders ensuring that petitioner son, Mr.Vinothkumar @ Karamani, continues to be detained in Puzhal Central Prison till the completion of the trial.

For Petitioner : M/s.S.Vedavalli



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For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor

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ORDER

(Order of the Court was made by **N.SATHISH KUMAR, J.**)

The petitioner seeks to consider her representation dated 03.10.2025 to the authorities to issue orders forbearing the transfer of her son namely one Mr.Vinothkumar @ Karamani, continues to be detained in Puzhal Central Prison till the completion of the trial.

2. The petitioner's son one Vinothkumar was arrested on 05.09.2025 the basis of FIR.No.8(c) and 20(b)(ii)(B) of Narcotic Drugs and Psychotropic Substances Act, 1985 registered in Cr.No.187 of 2025 on the file of G-7 Chetpet Police Station. It is the grievance of the petitioner that she came to know that the prison authorities are proposing to transfer her son from Puzhal Central Prison to some other prison, the same had caused great anxiety and hardship. Hence, seeks for a direction forbearing the prison authorities from transferring the petitioner from Central Prison, Puzhal by way of the above writ petition.

3. We are of the view that such preventive measures cannot be issued at this stage. It is at the domain of the authorities to consider various factors in transferring the prisoner. In this regard, it is relevant to note that the Hon'ble Supreme Court in



the case of *Kalyan Chandra Sarkar v. Rajesh Ranjan Alias Pappu Yadav and another* reported in (2005) 3 SCC 284 has held as follows:-

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“23. Therefore, in our opinion, a convict or an undertrial who disobeys the law of the land, cannot contend that it is not permissible to transfer him from one jail to another because the Jail Manual does not provide for it. If the factual situation requires the transfer of a prisoner from one prison to another; be it a convict or an undertrial. Courts are not to be a helpless bystander when the rule of law is being challenged with impunity. The arms of law are long enough to remedy the situation even by transferring a prisoner from one prison to another, that is by assuming that the concerned Jail Manual does not provide such a transfer. In our opinion, the argument of the learned counsel, as noted above, undermines the authority and majesty of law. The facts narrated hereinabove clearly show that the respondent has time and again flouted the law even while he was in custody and sometimes even when he was on bail. We must note herein with all seriousness that the authorities manning the Beur jail and the concerned doctors of the Patna Medical College Hospital, for their own reasons, either willingly or otherwise, have enabled the respondent to flout the law. In this process, we think the concerned authorities, especially the authorities at the Beur Central Jail, Patna, are not in a position to control the illegal activities of the respondent. Therefore, it is imperative that the respondent be transferred outside Bihar.”

Emphasis supplied

4. Further, the Hon'ble Supreme Court in the case of *State of Maharashtra vs. Sayyed Noor Hasan Gulam Hussain* reported in 1995 CrL.LJ 765 SC, has held that classification of the prisoners and their placement in different prisons by the prison administration is a relevant policy decision. The discretion and power to interfere by the courts in such matters does exist yet it should be used very sparingly.

5. *Ergo*, it is vivid that if the situation necessitates transfer of the prisoner from



one jail to another, it can be done by the authority concerned and this Court cannot issue such preventive measure at this stage.

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6. In view thereof, merely, at the request of the petitioner, we are not inclined to direct the authorities to consider the representation of the petitioner.

7. Accordingly, we do not find any merits in this petition and this writ petition stands dismissed.

(N.S.K., J.) (M.J.R., J.)

23.10.2025

Index : yes/no
Internet : yes/no
dhk

To,

1. The Principal Secretary to Government
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Secretariat, Chennai – 600 009

2. The Additional Director General of Police
Prison Department
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3. The Insepctor General of Prisons
Prison Department, Chennai – 600 009

4. The Deputy Inspector General of Prisions
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5. The Superintendent
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6.The Public Prosecutor
Madras High Court

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