



W.P(Crl.)MD.No.2065 of 2026

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2026

CORAM:

**THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR
and
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

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Safana Banu

... Petitioner

VS.

1.The State of Tamil Nadu,
Represented by the Additional Chief Secretary to the Government,
Home (Prisons-IV) Department,
Chief Secretariat,
Fort St. George,
Chennai – 600 009.

2.The Director General of Prisons and Correctional Services,
Tamil Nadu Prisons and Correctional Services, HQ Office,
No.6, Annai EVR Maniyammaiyar Salai,
Egmore,
Chennai – 600 008.

3.The District Collector,
District Collectorate,
Madurai – 625 020.



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4.The Deputy Inspector General of Prisons and
Correctional Services,
The Office of DIG of Prisons and CS – Madurai Range,
Arasaradi,
Madurai – 625 016.

5.The Superintendent of Prisons,
Central Prison,
Madurai – 625 016.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, directing the respondents to facilitate voting facility through postal ballot to the petitioner's husband by name Muhamed Sirajudeen, son of Nisamudeen, aged about 41 years, who is confining now at Madurai Central Prison as Preventive detention prisoner, in accordance with law within the time stipulated by this Court.

For Petitioner : Dr.R.Alagumani

For Respondents : Mr.J.Ashok (R1 & R3)
Additional Government Pleader

: Mr.A.Thiruvadi Kumar (R2, R4 & R5)
Additional Public Prosecutor



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ORDER

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

The petitioner has filed the present Writ Petition seeking a direction to the respondents to facilitate voting through postal ballot to the petitioner's husband, namely, Muhamed Sirajudeen, son of Nisamudeen, aged about 41 years, who is presently confined in Madurai Central Prison as a preventive detention prisoner, in accordance with law.

2.The main grievance of the petitioner is that her husband, Muhamed Sirajudeen, is a detenu under preventive detention, and there are several prisoners similarly detained. Such persons fall within the exception carved out under Section 62(5) of the Representation of the People Act, 1951, which permits persons under preventive detention to exercise their right to vote. Despite the petitioner's husband expressing his willingness to vote in the forthcoming Tamil Nadu Legislative Assembly General Election, the prison authorities have failed to take necessary steps to facilitate the



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same. Such inaction amounts to denial of a valuable statutory right and undermines the democratic principles of participation and equality. In this regard, the petitioner submitted a representation dated 07.04.2026 to the authorities concerned. Since no action has been taken till date, the present Writ Petition has been filed.

3.Though a Circular has been issued by the Director General of Prisons and Correctional Services, Chennai, on 24.03.2026, directing all prison authorities to collect the details of persons under preventive detention (NSA, COFEPOSA, TPDA, etc.), including those detained in District Jails under their control, and to ascertain their willingness, it is the contention of the learned counsel appearing for the petitioner that, in order to avoid additional duty, stereotyped responses are being obtained from prisoners as if none are willing to cast their vote, and such particulars are being forwarded, which, in effect, deprive them of their valuable right to franchise.

4.We have heard the learned counsel appearing on either side



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and perused the materials available on record.

5.Considering the issue involved in the present Writ Petition, we are of the view that, instead of the prison authorities collecting the willingness of the detenus, the Secretary, District Legal Services Authority, Madurai, shall visit the Central Prison, Madurai, and independently ascertain the willingness of the prisoners who are detained under the preventive detention laws. It is made clear that such exercise shall be confined only to those prisoners who are under preventive detention and not to those in judicial custody or convicted prisoners. The authorities shall ensure that the willingness is obtained in a fair and proper manner from only those prisoners who are in custody purely on the basis of preventive detention. After obtaining such willingness, the same shall be forwarded by the Superintendent of Prisons, Central Prison, Madurai, to the competent authorities in accordance with the Circular referred to above.

6.With the above directions, this Writ Petition is disposed of.



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There shall be no order as to costs.

[N.S.K.,J.] [M.J.R.,J.]

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NCC : Yes / No

Index : Yes / No

Internet : Yes

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Copy To

The Secretary,
District Legal Services Authority,
Madurai.

To

- 1.The Additional Chief Secretary to the Government,
Represented by the State of Tamil Nadu,
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