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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

**RESERVED ON : 14.10.2026**

**PRONOUNCED ON : 04.11.2026**

CORAM

**THE HON'BLE MR.JUSTICE M. NIRMAL KUMAR**

**AND**

**THE HON'BLE MR.JUSTICE N.GUNASEKARAN**

**WP Crl.(MD) No. 5169 of 2026**

CNR:{HCMD011200512026}

J. Mary Regina Stella
W/o.John,
4/8, North Street,
Odaikkarai Village,
Karislpatti Post,
Cheranmahadevi Taluk,
Tirunelveli District - 627 414.

..Petitioner

Vs

1. The State of Tamilnadu rep by
   The Additional Chief Secretary to the Govt,
   Home (Prisons-IV) Department,
   Chief Secretariat,
   Fort St.George,
   Chennai - 600 009.

2. The Director General of Prisons and Correctional Services,
   Tamilnadu Prisons and correctional Services,
   HQ Office,
   No.6, Annai EVR Maniyammaiyar Salai,
   Egmore, Chennai - 600 008.

3. The Deputy Director Inspector General of Prisons and Correctional Services,
   The Office of DIG of Prisons and CS- Madurai Range,
   Arasaradi,
   Madurai 625 016.



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4. The Superintendent of Prison
Central Prison,
Palayamkottai,
Tirunelveli - 627 002.

..Respondent(s)

**PRAYER:** Memorandum of Writ Petition (Criminal) has been filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondent nos.1 to 3 to conduct a fair and impartial inquiry into the representation of the petitioner dated; 23.07.2026 and based on its findings, to take appropriate criminal and departmental action against the responsible prison authorities of Central Prison, Palayamkottai within such time as may be stipulated by this Court.

For Petitioner(s): M/s Henri Patrick Tiphange
M/s R.Karunanidhi
M/s K.R.Raja

For Respondent(s): Mr.G.Karuppasamy Pandiyan,
Additional Public Prosecutor (takes Notice)
Counter Affidavit Filed
D.No 5929/2026 Dt;05/10/2026
Report Received(mail Copy)

**ORDER**

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

**1. Case of the petitioner in brief reads as follows**:

The learned counsel appearing for the petitioner would submit that the husband of the petitioner viz., John, son of Thiraviam, aged about 68 years is undergoing life imprisonment at the Central Prison, Palayamkottai since 2017. He had developed a lump on his shoulder for



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which he required medical treatment and surgery. As the prison authorities failed to provide timely medical treatment despite repeated representations, the petitioner had approached this Court by filing W.P. (Crl.)(MD) No.2420 of 2026 and as per order, directions were issued to provide appropriate medical treatment to her husband. Subsequently, he underwent surgery and was returned to the prison. He further submitted that in retaliation for seeking such judicial intervention, the husband of the petitioner was subjected to threats, intimidation, physical assault and humiliation by certain prison officials particularly Jailer Mr.Muniyandi. It is alleged that the said Jailer had slapped her husband on his cheek in the presence of other prisoners and abused him in a filthy language with dire consequences including a threat to arrange his post-mortem inside the prison. It is further submitted that the husband of the petitioner is suffering from severe deterioration of eyesight and the same is to be attended by the specialist on medical examination with treatment. In the context, the petitioner had submitted her representation dated; 23.07.2026 and for which, the fourth respondent had issued a reply dated; 05.08.2026 bearing Ref.No.3927/Thagu-3/2026 by denying the allegations and attributing misconduct of her husband. He would further contend that the said reply was issued on the basis of the report of the officials functioning within the same prison administration and hence, it



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did not constitute an independent inquiry into the specific allegations of assault, intimidation and retaliatory treatment. The allegations attributed to the husband of the petitioner were specifically disputed and it was contended that the relevant prison records, medical records, medical camp attendance registers, CCTV footage, duty rosters and statements of prisoners who witnessed the alleged incident required independent examination. Therefore, the learned counsel would submit that in view of the serious allegations against the prison officials and the petitioner's husband's vulnerability as an elderly prisoner under their custody, an independent and impartial inquiry by an appropriate senior authority is necessary. It was further contended that adequate protection should be provided to the husband of the petitioner against any further retaliation and that, if the allegations were substantiated, appropriate criminal and departmental proceedings should be initiated against the concern responsible prison authorities. Accordingly, the learned counsel prayed that this Court to issue a writ of mandamus directing the respondent nos.1 to 3 to conduct a fair and impartial inquiry into the representation of the petitioner dated; 23.07.2026 and on findings, to take appropriate action in accordance with law.



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**2). Submission of the learned Additional Public Prosecutor appearing for the respondents is as follows:**

The learned Additional Public Prosecutor would submit that on 16.07.2026, the husband of the petitioner had refused to undergo a search being conducted by the prison personnel and entered into an argument with them by using improper and filthy language. He further shouted that his daughter was an Advocate and that he would take action against the prison administration through her. It was further submitted that when he was instructed to attend physical exercise in accordance with the routine practice of the prison, he refused to do so, behaved rudely towards the prison staff and threatened them with legal action and other consequences. The Block Officer in-charge reported the incident to the Jailor, who personally visited the block. As the prisoner continued to behave improperly and used indecent language, a complaint was recorded in the Jailor's Report Book. He further submitted that the petitioner's husband had undergone surgical excision of a lipoma on 16.06.2026 and was discharged from the hospital on 17.06.2026, following which he was admitted to the Central Prison, Palayamkottai. Nearly a month thereafter, on 16.07.2026, he was instructed to attend physical exercise but refused to comply with the instructions of the prison authorities. It was contended that the incident was witnessed by the prison personnel and other



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prisoners, whose statements were obtained during the enquiry conducted by the Superintendent of Prison. Based on the statements and the materials collected, the Superintendent examined the circumstances of the incident and arrived at a conclusion regarding the prisoner's misconduct. The details of the incident were also communicated to the petitioner in the reply issued to her representation dated 23.07.2026. The learned Additional Public Prosecutor also submitted that there had been no violation of the rights of any prisoner in the Central Prison, Palayamkottai. It was stated that judicial officers, officials of the District Legal Services Authority and senior prison officials regularly visited the prison and interacted with prisoners, providing them with opportunities to submit their grievances. The prison authorities had also been providing necessary medical treatment and care to prisoners through the Prison Medical Officer. It was further contended that the petitioner's husband had been provided with medical treatment, including surgery for the lipoma and that he had subsequently been given advice and counselling by the prison authorities. Finally, he submitted that the present writ petition had been filed at the instance of the petitioner's husband, following the action taken by the prison authorities in respect of his alleged misconduct, and that the allegations of assault, threats, intimidation and retaliatory treatment against the prison officials were



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false and contrary to the prison records. Therefore, the learned Additional Public Prosecutor prayed for the dismissal of the writ petition as devoid of merits.

3). Both side heard. Records perused. The case of the petitioner is that her husband viz; John being a convict undergoing life sentence in the Central Prison at Palayamkottai, Tirunelveli is suffering from severe loss of vision and in spite of the same, on 16.07.2026, at about 06.30 a.m., he was harassed and slapped his cheek by the Jailor viz; Muniyandi in the presence of other inmates in front of the gate of Block no.11 in the prison which caused him humiliation, indignity and mental agony and as a result, the petitioner had submitted a representation dated; 23.07.2026 to take necessary action and for which, the fourth respondent herein had issued a reply bearing No.3927/THAGU-3/2026 dated; 05.08.2026 containing false and frivolous allegation against her husband and hence, sought the order of this Court in this writ petition criminal to direct the respondent nos.1 to 3 to conduct a fair and impartial inquiry into this matter and on its finding, to take appropriate criminal and departmental action against the erring officials of the prison.

In contra, the respondents through the counter affidavit of the fourth respondent would deny all the allegation levelled against the



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prison authorities as false by stating that the conduct and character of the husband of the petitioner is not upto mark since he behaved in a improper manner by using indecent language under the pretext of his daughter being a practicing advocate and hence, sought to dismiss the application.

4). In the context, the **Rule No.305 of the Tamil Nadu Prison Rules, 2024** mandates that the prison discipline is the prime mover of a dynamic and interactive human mechanism called the correctional process, which an offender undergoes to get reformed into a law-abiding and dignified citizen, who can become self-reliant after his/her release and deserve a rightful place in the mainstream of the society. Further, **Rule No.299(11) of the Tamil Nadu Prison Rules, 2024** requires the prisoners to practice Yoga and Meditation daily on a fixed time as a part of their welfare. In addition, **Rule No.306 of the Tamil Nadu Prison Rules, 2024** cast the duty upon the prisoners to obey the orders of all the officers of prison.

5). The counter affidavit of the fourth respondent would disclose that the John / life convict was reluctant to participate in such physical exercise and raised objection in unruly manner under the pretext of his daughter being a practicing advocate and the said fact was recorded in the



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Jailor Report Book.

6). The respondents had also produced a letter along with the discharge summary of Tirunelveli Government Medical College Hospital for the petitioner’s husband, dated 17.06.2026, together with the case sheet. The counter affidavit of the respondent and the medical report of the Medical Officer of Central Prison, Palayamkottai dated 10.09.2026 would disclose that Medical Camp and an Eye Camp were conducted on 15.07.2026, 16.07.2026 and 17.07.2026. The petitioner's husband not attended the Medical Camp but insisted that he should be taken to the Tirunelveli Government Medical College Hospital for treatment for his vision-related problem. On 03.08.2026, he complained of defective vision and insisted to take to the Tirunelveli Government Medical College Hospital. Accordingly, on 08.08.2026, he was referred to the said hospital, where he was admitted. Cataract surgery performed on his right eye on 10.08.2026, and he was discharged on 13.08.2026. Thereafter, he was readmitted to the Central Prison, Palayamkottai. The aforesaid medical report dated 10.09.2026 is extracted below:



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## MEDICAL REPORT OF LIFE CONVICT PRISONER NO.3927

## JOHN (67/M) S/O.THIRAVIYAM

The above said Life Convict prisoner No.3927 John S/o.Thiraviyam was admitted in Central Prison Palayamkottai on 10.06.2017. At the time of admission he had no health issues.

He use to come to the central prison dispensary on and off for minor ailments and treated as outpatient. On 01.10.2025 he was admitted in central prison dispensary Palayamkottai for 7 days with complaints of breathing difficulty diagnosed as LRI/ WHEEZING and treated with IV antibiotics and discharged on 07.10.2025. And he was having a cystic swelling over the Right shoulder ?Lipoma .

On 11/04/2026 we have arranged a General Health screening camp as advised by High court order Dr.Kalyanakumar Assistant professor Dermatology Department Dr.Soorya JR,Dr Jamuna JR,Dr.Vignesh, Saravanan,Assistant professor Medicine Department, Dr.Aswin Yeyaraj Assistant professor Surgery Department participated and seen 160 convict prisoners. Inspite of repeated announcement and block wise intimation to all inmates the above said did not attend the medical camp, saying that he wants to go to Tirunelveli medical college hospital and get treated.

Again on 26/04/2026 we referred the above prisoner to Tirunelveli medical college hospital with Jail escort and he was seen by General surgeon and diagnosed him to have Lipoma over Right shoulder and advised and fixed appointment to do USG Right shoulder. Again on 27/04/2026 the above said prisoner was referred to Tirunelveli medical college hospital surgery department with jail escort seen by surgeon and done USG local part right shoulder and reported as subcutaneous lipoma and reviewed in surgery op and since it is not an emergency surgery advised to plan for surgery in elective basis.

Again on 22/05/2026 the above said prisoner was referred to Tirunelveli medical college hospital with AR Police escort. He was Admitted as in patient ,and surgical excision was done on 16/06/2026 and discharged on 17/06/2026 and admitted in central prison dispensary. since prisoner was not willing to stay in jail hospital he was discharged at request and transferred to his respective block.



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Again on 15.07.2026, 16.07.2026 and 17.07.2026 we conducted Medical camp and Eye camp from Aravind Eye hospital and Tirunelveli Medical College hospital, from Medicine, Surgery and Ortho Department. The above said prisoner did not attend the medical camps, telling he wants to go to Tirunelveli medical college hospital and get treated.

The above said prisoner came to Central Prison Dispensary on 03.08.2026 and complaints of defective vision both eyes and wants to go to Tirunelveli medical college hospital. On 08.08.2026 the above said prisoner John S/o.Thiraviyam was refer to Tirunelveli Medical College Hospital Opthal OP there he was admitted and done right eye cataract surgery on 10.08.2026 and discharged on 13.08.2026 and readmitted in Central Prison, Palayamkottai.

Since, prisoner not willing to admit in Central Prison Dispensary he was sent to his respective block and then he was advised to continue medicine regularly. After that the above said prisoner did not come to central prison dispensary for any medical complaints till date.

At present he is in his respective block and his health condition is stable.

Date -10.09.2026

Medical officer,
Central Prison, Palayamkottai.

The such medical report would also disclose that the husband of the petitioner was sent to respective block with advice to continue his medicine regularly since he was not willing to get admitted in Central Prison Dispensary at Palayamkottai.

7). The petitioner's husband allegedly behaved in a defiant manner, failed to attend the physical drill and resisted the search of his cell, which is a routine procedure and the same are recorded in the Jailor's Report Book. The petitioner's husband was referred to a Psychologist, who examined him and submitted a report, which is extracted below:



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**PSYCHOLOGICAL REPORT OF LIFE CONVICT PRISONER**

He was counselled to have a positive attitude towards fellow inmates and prison officials which will assist in adapting constructively to his current environment.

Date : 10.09.2026

Psychologist

Place : Palayamkottai

Central Prison Palayamkottai

was facilitated to ventilate and express his thoughts and emotions. After an in-depth exploration of presented complaints the inmate was psychoeducated about the health benefits of physical exercising and how it will help him upkeep his overall functioning. He was suggested to at least participate in walking sessions, if he is interested.

8). In the scenario, it is to note that following are the safeguards prescribed under law to redress the grievance of the prisoner, if any:

8.1. ***Rule No.298 of the Tamil Nadu Prison Rules, 2024*** *denotes the establishment of the "**Grievance Redressal System**" in the each of the prison with its composition to fulfil the following scope and objectives:*

*" Voicing resentment/grievance is an elementary human instinct. If it is suppressed, it can lead to an aberrant frame of mind which will be detrimental to natural and healthy growth of body and mind therefore;*



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*(i) There shall be an active Grievance Redressal System (G.R.S.) in every prison which will provide every inmate the legitimate opportunity to voice his grievances;*

*(ii) The system will also act as a safety valve against any possibility of sudden outbursts of suppressed grievances;*

*(iii) There shall be one or more complaint boxes in every prison installed in centrally located and convenient places, within easy reach of the inmates. Such complaint box shall also be installed in an easily accessible place in the female ward;*

*(iv) The inmates may drop their complaints in the form of written petitions addressed to the Superintendent, or to the higher authorities, into such boxes;*

*(v) The box shall remain under lock and key and the key shall remain in the custody of the Jailer, who shall unlock the complaint box at least twice a week on the days fixed and approved by the Superintendent;*

*(vi) The complaint box shall be opened at appointed time before the evening locking up of the Prison;*

*(vii) The Superintendent shall form a permanent Committee of Grievance Redressal System comprising himself, the Jailer (the seniormost Jailer in the event of more than one Jailer being posted there), the Chief Medical Officer, and the Welfare Officer;*

*(viii) The committee shall meet as and when necessary, but at least twice a week to look into all the complaints of the inmates;*

*(ix) The Superintendent shall preside over the committee which shall enquire into all the complaints at the earliest;*

*(x) The decision of the committee shall be executed forthwith;*

*(xi) Complaints addressed to the higher authorities shall be forwarded to the addressee with comments of the Superintendent without*



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*delay;*

*(xii) Letters addressed by prisoners to the Government, Judiciary, Director General of Prisons and Correctional Services or other high functionaries should be forwarded to them immediately without being censored and a dated receipt of it should be given to the prisoner. The receiving authority should acknowledge letters immediately and look promptly into them;*

***(xiii) The District Judge should visit each prison in his jurisdiction once a month and give an opportunity to all the prisoners to present their grievances or requests, if they so desire, in the absence of Prison Officers. This should be a statutory function of the District Judge;***

*(xiv) The system of taking weekly rounds of inspection of Prisons by the Superintendents should be made statutory by including it in Prisons Act. If a prisoner is not satisfied by the action taken by the Superintendent on his complaint, he should be allowed to approach higher authorities for redressal of his grievances;*

*(xv) The Board of Visitors should be activated. The visitors should receive and enquire into prisoners' complaints and grievances and send their suggestions to appropriate authorities."*

8.2. **Rule No.556 of the Tamil Nadu Prison Rules, 2024** mandates the availability of legal aid to the prisoners by facilitating appointment of jail visiting advocates to legal services clinic in the prison. In view of the same, the National Legal Services Authority had framed Standard Operating Procedures on Access to Legal Aid Services



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to Prisoners and Functioning of the Prison Legal Aid Clinics, 2022 on the eve of "**Azadi Ka Amrit Mahotsav**" to celebrate and commemorate 75 years of progressive independent India had set up Prison Legal Aid Clinic (PLAC) in the prison on joint working of Para-legal volunteers and Jail visiting lawyers with one among the aim is to act as **One Stop Centre** (OSC) to raise the grievances by prisoners and direct the grievances to appropriate authorities through District Legal Services Authority (DLSA). One among their duty is to bring into the notice of District Legal Services Authority (DLSA) about the concern of inmates in respect of conditions in jail and to assist the inmate in filing any complaint or grievances relating to their stay in prison. It requires the respective Chairman (Principal District and Sessions Judge) and Secretary (Sub Judge) to the District Legal Services Authority (DLSA) to visit the Prison Legal Aid Clinic periodically within time frame to inspect the Prison Legal Aid Clinic and to understand any concerns regarding the prison conditions on having interaction with the prisoners. It further enables the set up of complaint box in the Prison Legal Aid Clinic under lock and key with the Chairman or Secretary so as to encourage the prisoners to raise their grievances without any fear.

8.3. Further, in consequent to the decision of Hon'ble Supreme Court of India in ***Sunil Batra -vs- Delhi Administration (AIR 1980 SC***



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***1579),*** this Court had already issued a **circular dated; 04.10.1996 in ROC.No.3616-A/96/F1** having reiterated vide **circular in ROC.No.3000-A/2003/F1 and ROC.No.1282/2006/RG/RR dated; 16.09.2003 and 26.07.2006,** respectively, requiring the Principal District and Sessions Judge having accompanied by the Chief Judicial Magistrate of every district to make a periodical surprise visit to the prison as mentioned therein to ensure conditions in the prison conform to certain minimum standards of maintenance, health, hygiene, institutional treatment and discipline and to make expeditious enquiries into the grievance of the prisoner and take corrective action as found necessary to uphold human rights of the prisoners, and to submit report to the High Court.

8.4. **Rule No.299(18) of the Tamil Nadu Prison Rules, 2024** establishes the "**Prisoners' Panchayat**" in the prison enabling the prisoners to express their problems and seek redressal by requiring the Superintendent or Jailor to participate in the same having monitored by prison administration.

8.5. **Rule No.299(20) of the Tamil Nadu Prison Rules, 2024** to hold "**Maha Panchayat**" in the presence of Superintendent of Prison once in a quarter for redressal of prisoners' grievances and implementation of their suggestions by requiring the Director General of



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Prisons and Correctional Service to participate in the same in different prisons in the state from time to time.

It is not the case of the petitioner that she had invoked the extraordinary jurisdiction of this Court in writ on exhausting any one of such prescribed safeguards.

9). Pending this writ petition, as per the order of this Court dated; 22.09.2026, the Chairman, District Legal Services Authority, Tirunelveli had visited the Central Prison at Palayamkottai and conducted an inquiry and submitted his report dated; 05.10.2026 in D.No.5929/2026 along with the statement from the Superintendent, Central Prison, Palayamkottai, the Sub-Inspector of Police (Technical) and the petitioner's husband.

10). From the report, it is seen that the petitioner's husband was examined in the presence of a Psychologist. Dr.Mohamed Aadil confirming the detenu exhibited psychological complaints and that his behaviour was found to be abnormal, when he was questioned in a negative manner, resulting in sudden and repulsive reactions.

11). The report further revealed that the CCTV footage was not available, as 35 days had elapsed.

12). Though the report indicates that the Jail Superintendent lacked a proactive approach, it also records that the Jail Superintendent was making commendable efforts in administering the prison and managing



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such a large number of inmates.

13). In his statement, the petitioner's husband confirm that, except for the incident dated 16.07.2026, he had otherwise been treated well and was in good condition in the prison at all times.

14). It is seen that the accommodation capacity of the Central Prison, Palayamkottai, is 1,332, whereas approximately 1,850 persons are presently lodged therein. The Superintendent and other prison officials are managing the inmates and ensuring that they adhere to the prison rules, behave in discipline. Searching prison cells is part of the routine exercise. Likewise, insisting on physical drills for the benefit of inmates, so that, they do not develop diabetes.

15). As regards the petitioner, it is recorded that, in the event of unwillingness, the prison authorities do not insist upon or compel the prisoners to participate in physical drills. Thus, though there have been certain aberrations, the same do not warrant any further probe in this matter.

16). From the counter affidavit filed by the fourth respondent, it is seen that the petitioner's representation dated 23.07.2026 had already been considered and disposed of on 05.08.2026.

17). In view of the petitioner’s representation dated 27.10.2025, already considered and disposed of, the Writ Petition has become



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infructuous.

18). Recording the same, the Writ Petition stands disposed of. No costs.

**(M.N.K.,J.) (N.G.N.,J.)**
**04-11-2026**

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
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To

1. The Additional Chief Secretary to the Govt,
   Home (Prisons-IV) Department,
   Chief Secretariat,
   Fort St.George,
   Chennai - 600 009.

2. The Director General of Prisons and Correctional Services,
   Tamilnadu Prisons and correctional Services,
   HQ Office,
   No.6, Annai EVR Maniyammaiyar Salai,
   Egmore, Chennai - 600 008.

3. The Deputy Director Inspector General of Prisons and Correctional Services,
   The Office of DIG of Prisons and CS- Madurai Range,
   Arasaradi,
   Madurai 625 016.

4. The Superintendent of Prison
   Central Prisons,
   Palayamkottai,
   Tirunelveli - 627 002.

5. The Additional Public Prosecutor,
   Madurai Bench of Madras High Court,
   Madurai.



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**M.NIRMAL KUMAR, J.**
**AND**
**N.GUNASEKARAN, J.**

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**WP Crl.(MD) No. 5169 of 2026**

**04-11-2026**



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