



WMP Nos. 27610 & 27615 of 2026

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-07-2026

CORAM

THE HON'BLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE G.ARUL MURUGAN

WMP Nos. 27610 & 27615 of 2026

in

WP No. 21837 of 2026

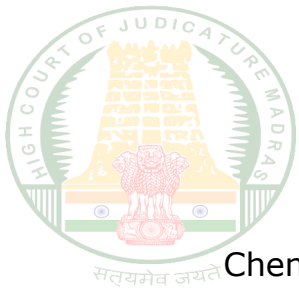
Vakdoth Anilkumar
No. 15455852P/ Naik/ Dental Hygienist/
Military Dental Centre, Chennai

Presently attached with
16th Battalion,
Madras Regiment (Travancore),
Pallavaram, Chennai 600 043.

..Petitioner(s)
In both WMPs

Vs

1. The Union of India
Rep. by its Secretary,
Ministry of Defence,
New Delhi 110 001.
2. The Chief of Army Staff
Integrated Headquarters of Ministry of
Defence (Army), South Block, Central
secretariat,
New Delhi 110 011.
3. The General Officer Commanding
Head quarters,
Dakshin Bharat Area,



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4. The Commanding Officer
16th Battalion,
Madras Regiment (Travancore),
Pallavaram Chennai 600 043.

..Respondent(s)
In both WMPs

PRAYER in WMP.No.27610/2026: Writ Miscellaneous Petition has been filed under Article 226 of the Constitution of India, to stay the operation of the Finding or Sentence/Final Order of General Court Martial dated 21.06.2026 and further direct the 4th respondent to reinstate the petitioner into the service by releasing him from solitary confinement or any other order or further orders that may deem fit and proper, pending disposal of writ petition in WP.No.21837 of 2026 in line with the order of the Hon'ble Supreme Court in S.L.P.(C) No. 21941 of 2026 dated 17.06.2026.

PRAYER in WMP.No.27615/2026: Writ Miscellaneous Petition has been filed under Article 226 of the Constitution of India, to direct the 1st and 3rd respondents not to confirm the Finding or Sentence/Final Order of General Court Martial dated 21.06.2026 and not promulgate the confirmation, pending disposal of writ petition in WP.No.21837 of 2026 in line with the order of the Hon'ble Supreme Court in S.L.P.(C) No. 21941 of 2026 dated 17.06.2026.

For Petitioner(s): Mr.S.Sathiaseelan
(In both WMPs)

For Respondent(s): Mr.AR.L.Sundaresan
Additional Solicitor General of India
Assisted by Mr.V.Chandrasekaran



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Senior Panel Counsel
[For Union of India]
(In both WMPs)

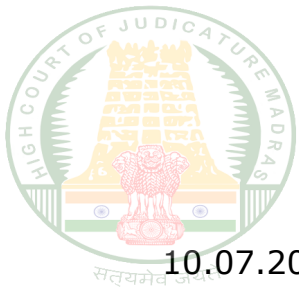
COMMON ORDER

[Order of the Court was made by G.ARUL MURUGAN, J.]

Heard Mr.S.Sathiaseelan, learned counsel for the petitioner and Mr.AR.L.Sundaresan, learned Additional Solicitor General of India assisted by Mr.V.Chandrasekaran, learned Senior Panel Counsel appearing on behalf of the respondents.

2. The writ petition has been preferred by the petitioner seeking to declare Rule 147 of the Army Rules, 1954 as ultra vires Articles 33, 14 and 21 of the Constitution of India and Sections 21 and 133 of the Army Act, 1950. Along with the writ petition, two writ miscellaneous petitions in W.M.P.No.23684 of 2026, seeking to stay the operation of the impugned Rule 147 of the Army Rules, 1954 and W.M.P.No.23685 of 2026, seeking to stay the trial in Case File No.213007/TN/ ANILKUMAR/DV pending on the file of the General Court Martial, Pallavaram, Chennai, were filed.

3. This Court, by order dated 11.06.2026, issued notice to the respondents returnable in four weeks and posted the writ petition on



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10.07.2026. Further, the interim reliefs sought in the writ miscellaneous petitions were rejected for the time being, and the two writ miscellaneous petitions were closed.

4. Assailing the order dated 11.06.2026 rejecting the writ miscellaneous petitions, the petitioner preferred an appeal before the Hon'ble Supreme Court in S.L.P.(C).No.21941 of 2026 and by order dated 17.06.2026, the Hon'ble Supreme Court dismissed the Special Leave Petition and passed the following orders:

"1. We are not inclined to interfere with the impugned order which is an interlocutory one, save and except observing that the final order passed in the Court Martial proceedings shall be subject to the result of the writ petition.

2. The Special Leave Petition is accordingly dismissed and the accompanying interlocutory application(s), if any, stands disposed of."

5. The petitioner, a Naik/Dental Hygienist of Military Dental Centre, Chennai, was facing trial before the Court Martial at Pallavaram, Chennai in Case File No.213007/TN/ANILKUMAR/DV for the offences punishable under Section 10 of the Protection of Children from Sexual Offences (POCSO) Act, 2012. On conclusion of the trial, the General Court Martial

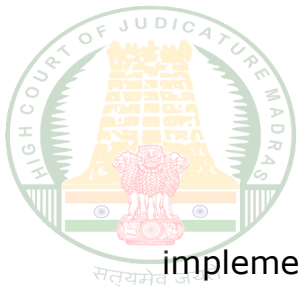


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issued an order dated 21.06.2026, convicting the petitioner under Section 10 of the POCSO Act and sentenced him to five years rigorous imprisonment, reduction to the ranks and dismissal from service. It is stated that pursuant to the final order dated 21.06.2026, the findings and sentence have been forwarded to the 3rd respondent for confirmation under the Army Act, 1950.

6. At this juncture, the petitioner again came up with the present two writ miscellaneous petitions. W.M.P.No.27610 of 2026 seeks a stay of the operation of the sentence/final order of the General Court Martial dated 21.06.2026, alongside a direction to reinstate the petitioner into service and release him from solitary confinement. W.M.P.No.27615 of 2026 seeks a direction to the respondents 1 and 3 not to confirm the finding and sentence/final order of the General Court Martial dated 21.06.2026.

7. Mr.S.Sathiaseelan, learned counsel for the petitioner, vehemently contended that though the interim applications were dismissed by this Court, the Hon'ble Supreme Court had explicitly observed that final order passed in Court Martial proceedings shall be subject to the result of the main writ petition. He further contended that any order passed by the Court Martial should remain inoperative and the same shall not be



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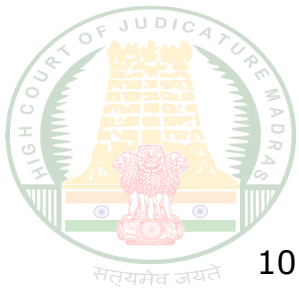
implemented. According to the learned counsel, implementing the order by confining the petitioner amounts to a breach of the directions passed by the Hon'ble Supreme Court and also since the main writ petition is pending before this Court, the petitioner can maintain the present miscellaneous petitions. In support of his contentions, the learned counsel relied upon the decisions of the Hon'ble Supreme Court in ***Mirza Majid Hussain vs. State of M.P and Another***¹, and ***Uma Devi Nambiar and Others vs. T.C.Sidhan***².

8. Mr.AR.L.Sundaresan, learned Additional Solicitor General of India appearing on behalf of the respondents, would submit that the writ miscellaneous petitions are *per se* not maintainable since the petitioner has an alternate effective appellate remedy and it is for him to independently challenge the sentence imposed by the General Court Martial and sought for dismissal of the petitions.

9. We gave our anxious consideration to the submissions made on either side and have perused the materials available on record.

¹ (1995) 2 SCC 422

² (2004) 2 SCC 321



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10. Adverting to the facts of the case, the petitioner, who was working as a Naik/Dental Hygienist of Military Dental Centre, Chennai, faced trial before the Court Martial at Pallavaram, Chennai, in Case File No.213007/TN/ANILKUMAR/DV for the offences punishable under Section 10 of the POCSO Act, 2012. In the writ petition filed before this Court, the petitioner has challenged the constitutional validity of the Rule 147 of the Army Rules, 1954, wherein this Court has issued notice and granted time to the respondents to file their counter affidavit, which is yet to be filed.

11. It is trite law that any provision of an Act or Rule is presumed to be constitutionally valid till the same is declared ultra vires by a Competent Court. The General Court Martial conducted the trial proceedings in accordance with the provision of the Army Act and Rules, and by an order dated 21.06.2026, imposed the punishment for the offences under Section 10 of the POCSO Act, 2012.

12. If a final order has been passed by the Court Martial imposing a punishment, it is for the petitioner to challenge the same before the appropriate Forum in accordance with law by raising all grounds available to him. In fact, earlier the miscellaneous petitions seeking to stay the proceedings before the Court Martial, as well as stay of the impugned Rules were rejected by this Court and the same was confirmed by the



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Hon'ble Supreme Court. The Supreme Court, while dismissing the Special Leave Petition, had only observed that any order passed in Court Martial proceedings shall be subject to the result of the writ petition.

13. When both this Court and the Hon'ble Supreme Court chose not to restrain the Court Martial from passing any final orders and the Court Martial has subsequently passed its final order imposing punishment, the contention of the learned counsel for the petitioner that the order of the Court Martial cannot be implemented till the disposal of the writ petition is totally misplaced. If only the petitioner ultimately succeeds in the main writ petition, wherein the vires of the Rule is challenged, then possibly the punishment, if it had been imposed against the petitioner following the Rule, the same could be interfered. Till any such decision is taken, the order passed by the Court Martial cannot be faulted and it is only open for the petitioner to independently assail the order before the Competent Forum in accordance with law or await final decision in the writ petition. The decisions relied by the petitioner do not, in any way, support his case.



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14. In view of the above, both the Writ Miscellaneous Petitions are not maintainable and are accordingly dismissed. No costs.

(SUSHRUT ARVIND DHARMADHIKARI, C.J.) (G.ARUL MURUGAN J.)

06-07-2026

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

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To

1.The Secretary,
The Union of India
Ministry of Defence,
New Delhi 110 001.

2.The Chief of Army Staff
Integrated Headquarters of Ministry of Defence (Army), South Block,
Central secretariat,
New Delhi 110 011.

3.The General Officer Commanding
Head quarters,
Dakshin Bharat Area,
Chennai 09

4.The Commanding Officer
16th Battalion,
Madras Regiment (Travancore),
Pallavaram Chennai 600 043.



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