



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19-08-2025

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THE HONOURABLE MR JUSTICE N. SATHISH KUMAR

WP No. 16454 of 2025

AND

WMP NO. 18585 OF 2025, WMP NO. 18586 OF 2025

1. Surya @ Nedungundram Surya,
S/o.Kutty, No. 139/3, Gandhi Road,
Nedungundram, Chennai -600 127.

Petitioner(s)

Vs

1. The Commissioner Of Police,
Greater Chennai Police, No. 132, Commissioner
Officer Building, E.V.K. Sampath Road, Vepery,
Chennai -600 007.

2. The Deputy Commissioner Of Police,
Office Of The Deputy Commissioner Of Police,
Kolathur Range, K-5, Peravallur Police Station,
Siva Elango Salai, Periyar Nagar, West
Perambur, Chennai -600 082.

3. The Inspector Of Police(law And Order),
M3, Puzhal Police Station, Puzhal Circle,
Chennai -kolkatta Highways, Puzhal, Chennai
-600 066.

Respondent(s)



PRAYER : Petition filed under Article 226 of the Constitution of India, to call for the records pertaining to the impugned order vide Na.Ka. No. 02/Ve.Aa/2025 dated 25.04.2025 and quash the same.

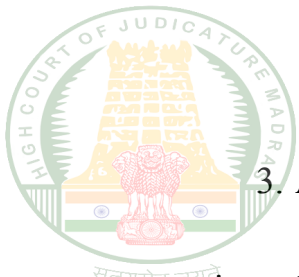
For Petitioner(s): Mr.Abudu Kumar Rajaratnam,
Senior counsel for
Mr.Kalicharan K M

For Respondent(s): Mr.K.M.D.Muhilan
Additional Public Prosecutor

ORDER

This Writ Petition has been filed to call for the records pertaining to the impugned order vide Na.Ka. No. 02/Ve.Aa/2025 dated 25.04.2025 and quash the same.

2. Challenge has been made to the order passed under Section 51A of the Chennai City Police Act, directing the petitioner to stay away from the city. The order passed by the Commissioner of Police is on the ground that there are many cases pending against the petitioner and the witnesses also afraid of the petitioner in deposing against him. That apart, that may lead to a situation that people may lose confidence on the police and therefore, an order has been passed under Section 51A of the Act.



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3. A counter has been filed to the effect that there are 64 cases pending against the petitioner under various offences including 7 murder cases, 11 attempt to murder cases, 3 Arms Act cases and 9 grievous hurt cases. The show cause notice has not been explained properly and explanation has been given to different police station. The explanation has not been received by the concerned police who had initiated the proceedings. Hence, opposed the Petition.

4. The learned Senior Counsel for the petitioner pointed out that the order has not been passed on merits and it was passed mechanically. According to the learned Senior Counsel, the order itself clearly indicates as if the complaint has been given by Anna Nagar police, whereas show cause notice indicates otherwise. That apart, the explanation given by the petitioner has not been considered and the impugned order cannot be sustained in the eye of law.

5. The learned Additional Public Prosecutor for the respondents submitted that finding mistake in the order, a fresh order has been passed and sent to the petitioner's wife.



6. Be that as it may, however, there is no proof whatsoever available on record and produced before this court to substantiate the submissions.

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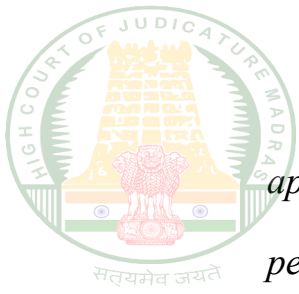
The order of externment has been passed under Section 51A of the Chennai City Police Act. The said Act reads as follows:

"Section 51A - Power to direct removal of persons from City in Special cases

(1) Whenever the Commissioner is satisfied from information received or otherwise --

(a) Central Act XLV of 1860-- that the movements or acts of any person in the City of Madras who has not been born in the said City or in the district of Chingleput or North Arcot as it existed immediately before the 1st April 1960 are causing or are calculated to cause, alarm, danger or harm to person or property, or that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of any offence involving force of violence or punishable under Chapter XII, XVI or XVII of the Indian Penal Code or in the abetment of any such offence ; and

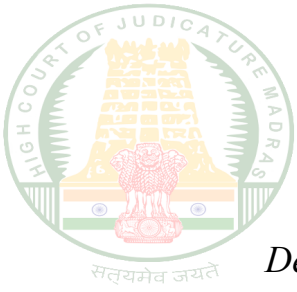
(b) that witnesses are not willing to come forward to give evidence in public against such person by reason of



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apprehension on their part regarding the safety of their person or property, the Commissioner may, by an order in writing signed by him, direct such person so to conduct himself as small seem necessary to the Commissioner to prevent such alarm, danger or harm or the commission of such offence, or require such person to move himself outside the said City within, such time as may be specified in the order.

(2) Before an order is passed against any person under subsection (1) the Commissioner or any Joint Commissioner or any Deputy Commissioner authorized by him shall inform such person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations. The Commissioner or Joint Commissioner or Deputy Commissioner may also examine any witnesses produced by such person. Any written statement made by such person shall be filed with the record. Such person shall be entitled to appear before the Commissioner or Joint Commissioner or Deputy Commissioner by an advocate or attorney for the purpose of explaining the allegations against him and examining the witnesses produced by him.



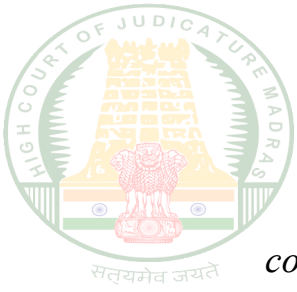
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(3) The Commissioner or Joint Commissioner or Deputy Commissioner authorized under sub-section (2) may, for the purpose of securing the attendance of any person against whom an order is proposed to be made under sub-section (1), exercise all or any of the powers of a Court under Sections 75 to 77 of the Code of Criminal Procedure, 1898.

(4) Any person aggrieved by an order of the Commissioner under sub-section (1) may, within thirty days from the date of such order, appeal to the State Government who may, after considering all the circumstances of the case, confirm, vary or rescind the order. Where an appeal is preferred to the State Government under this sub-section, they may at their discretion, subject to such conditions, if any, as they may think fit to impose, stay the operation of the Commissioner's order, pending the passing of final orders on the appeal.

(5) No order passed by the Commissioner under subsection (1) or by the State Government under sub-section (4) shall be called in question in any Court except on one or more of the following grounds, namely :--

(a) that the procedure laid down in sub-section (2) was not followed ; or



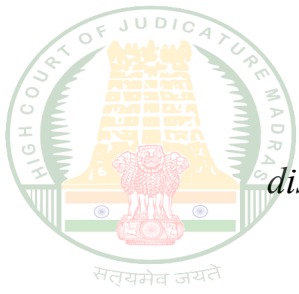
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(b) that there was no material upon which the order could have been based ; or

(c) that there was no sufficient ground for believing that witnesses were not willing to come forward to give evidence in public against the person in respect of whom the order was made.

(6) (a) Any person who is guilty of the breach of any direction given to him under sub-section (1) of sub-section (4) shall be punishable with imprisonment which may extend to two years or with fine or with both ; (b) If any person directed under sub-section (1) or subsection (4) to remove himself outside the City of Madras fails or refuses to do so or re-enters the said City while such direction is in force, the Commissioner may, in lieu of or in addition to prosecuting such person under clause (a), cause him to be arrested and removed in police custody to such place outside the said City as he may direct.

(7) Nothing in this section shall be deemed to require any Police Officer to disclose to the person against whom an order is made under sub-section (1) or to any Court the sources of his information or any fact the communication of which might, in the opinion of the Commissioner, lead to the



disclosure of the identity or name of any informant."

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7. Perusal of the above said provision made it clear that before passing an order, it is mandatory on the part of the Commissioner / Joint Commissioner / Deputy Commissioner to issue show cause notice informing the person in writing of the general nature of the material allegation against him and give him a reasonable opportunity of explaining those allegations. The very order passed by the respondents clearly indicates that as if there was no explanation submitted by the petitioner. However, the order indicates that the entire process has been initiated only by the Inspector of Police Anna Nagar and the Deputy Commissioner of Police, Anna Nagar. But the show cause notice shows that the proceedings have been initiated by the Inspector of Police, Puzhal and notice has been issued by the Deputy Commissioner, Kolathur. There is an apparent conflict between the show cause notice and the impugned order.

8. The impugned order has not been passed by considering the entire materials. Further, it is a specific contention of the petitioner that the show



cause notice has been replied. However, in the counter, it is the stand of the

respondents that a reply has been sent by the advocate to the Deputy

Commissioner, Puzhal which has been forwarded to the Inspector of Police.

Even assuming that show cause notice has been sent to the different Officer, it is

admitted by the respondents that the explanation is also sent to the concerned

Inspector and that ought to have been considered and forwarded immediately

which has not been done so. It is further contended that the advocate alone sent

a reply and therefore, it has not been considered.

9. In fact, the very provision gives opportunity to the person against whom action is sought to be taken, to engage a lawyer of his choice even to explain the allegation under Subsection 2 of 51A. And therefore, this court is of the view that the very order passed by the respondents cannot sustain in the eye of law. Hence, the impugned order has to be set aside.

10. Accordingly, this Writ Petition is allowed and the impugned order dated 25.04.2025 is set aside. It is open to the respondents to initiate a fresh



action by issuing a fresh show cause notice and take action as per law following

all the procedures. No costs. Consequently, connected miscellaneous petitions

are closed.

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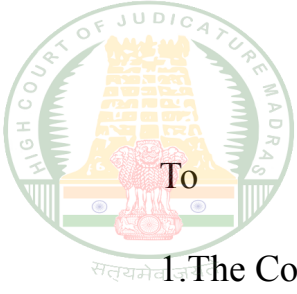
Index: Yes/No

Speaking/Non-speaking order

Internet: Yes

Neutral Citation: Yes/No

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To

1.The Commissioner Of Police,
Greater Chennai Police, No. 132,
Commissioner Officer Building, E.V.K.
Sampath Road, Vepery, Chennai -600
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2.The Deputy Commissioner Of Police,
Office Of The Deputy Commissioner
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