



WEB COPY

WA No. 2173 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-07-2025

CORAM

**THE HONOURABLE MRS JUSTICE J. NISHA BANU
AND
THE HONOURABLE MR.JUSTICE M.JOTHIRAMAN**

**WA No. 2173 of 2025 and
CMP No.15242 of 2025**

1. RAGINI

W/o.Durai singavel, No.8, Saraswathi
Garden, Manickam Nagar, Kuntradur, Appellant(s)
Chennai - 600 009.

Vs

1. The Chief Secretary
Government of Tamil Nadu, Fort
st.Georage, Chennai-09. Respondent(s)

PRAYER Writ Appeal filed under Clause 15 of Letter Pattennt to set aside the
impugned order passed by this court in in WP.No.1377 of 2016, dated 16-12-
2022.

For Appellant(s): Mr. R.Sankarasubbu

For Respondent(s): Mr. M.Venkateswaran, Sgp



ORDER

(Order of the Court was made by J.Nisha Banu J.)

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This writ appeal has been filed by the writ petitioner to set aside the order passed by the learned Single Judge in W.P.No1377 of 2016 dated 16.12.2022.

2. It is the case of the appellant/petitioner that, she was falsely arrested on 13.06.2013 and remanded to Judicial custody by the Judicial Magistrate-1, Dharmapuri. Thereafter, the petitioner was remanded to custody as Bharathi, aged 27 years in POTA case. According to the petitioner, her name is Ragini, s/o Sigamni and she studied up to X standard in her village in Thiruvannamalai District and there is no material to keep the petitioner in custody.

2.1. The petitioner submitted a representation dated 31.12.2015 to the respondent to constitute a Review Committee headed by a Retired High Court Judge, as required under law. However, the said representation was not considered. Hence she filed a writ petition in W.P.No.1377 of 2016. The writ court has taken up the writ petition along with other connected matters and passed common order, dismissing the writ petitions. As against the said order, the writ petitioner filed the present writ petition.

3. The appellant raised the following grounds in this appeal.



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i) The learned Judge simply carried away by the order of review committee, without thread bear discuss about the intrinsic value of evidence placed before the Trial Court in Special Case S.C.No.3 of 2022 on the file of Special Court under POTA Act, Poonamallee.

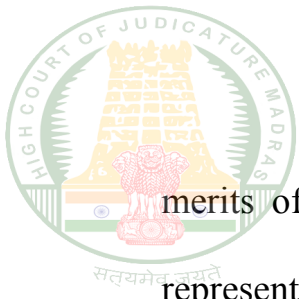
ii) Absolutely there is no evidence against the appellant and her name is not reflected in any of the activities of terrorist acts.

iii) The appellant was not physically produced before POTA review committee and the learned Judge mechanically held what is applicable to other accused is equally applicable to her and it is perverse finding.

iv) Now, the POTA Act is dead and it gone during the year 2004. Hence, prosecuting the appellant under a dead Act after 20 years is violative of Article 21 and 14 of the Constitution of India.

4. The learned Special Government Pleader submitted that till now, Review Committee has not been constituted and Review Committee shall be constituted in each and every matter separately. He also submitted that, if the Court directs, Review Committee will be constituted.

5. Considering the submissions on both side, without going into the



merits of the case, we are inclined to direct the respondent to consider the representation of the petitioner and pass orders, in accordance with law, within a period of 12 weeks from the date of receipt of copy of the order.

6. With the above direction, this writ appeal is disposed of. There shall be no order as to costs. Connected miscellaneous petition is closed.

(J.NISHA BANU J.)(M.JOTHIRAMAN J.)
16-07-2025

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

To

1. The Chief Secretary
Government of Tamil Nadu, Fort
St. George, Chennai-09.



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AND
M.JOTHIRAMAN J.**

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