



W.P.(CrI.)No.966 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2025

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THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

W.P.(CrI.)No.966 of 2025

and

W.P.M.P.(CrI.).Nos.462 and 463 of 2025

Ajay Rohan

Vs.

... Petitioner

1. The Commissioner of Police,
Greater Chennai Police,
No.132, Commissioner Office Building,
E.V.K.Sampath Road,
Vepery, Chennai – 600 007.
2. The Deputy Commissioner of Police,
O/o.The Deputy Commissioner of Police,
Triplicane District, Chintadripet,
Chennai – 600 002.
3. The Inspector of Police (Law & Order),
F3, Nungambakkam Police Station,
Valluvar Kottam High Road,
Nungambakkam, Chennai – 600 034.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorari calling for the records pertaining to the impugned order vide e/f/No.04/bt/M/2025 under Section 51-A of the Chennai City Police Act, 1888 dated 13.09.2025 and quash the same.



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For Petitioner : Mr.Abudukumar Rajarathinam
Senior counsel for
Mr.K.M.Kalicharan

For Respondents : Mr.K.M.D.Muhilan
Additional Public Prosecutor

ORDER

Challenge has been made against the order dated 13.09.2025 passed by the first respondent under Section 51-A of the Chennai City Police Act, 1888 [hereinafter referred to as 'CCP Act'] directing the petitioner to stay away from the city of Chennai.

2. The impugned order has been passed by the first respondent/Commissioner of Police on the ground that there are many cases pending against the petitioner and the witnesses are afraid even to depose against the petitioner. That apart, that may lead to a situation where the people may lose confidence on the Police and therefore, after invoking powers under Section 51-A of the CCP Act, the order of an externment has been passed.

3. The learned counsel for the petitioner submitted that for the very



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show cause notice dated 16.08.2025, the petitioner has sent a detailed reply through his counsel disputing the allegations and pointing out the absence of any nexus to externment proceedings. Without considering the same, another show cause notice dated 26.08.2025 was issued, compelling personal appearance of the petitioner. The petitioner again sent a reply to the second show cause notice requesting disclosure of documents and permission to examine witnesses as provided under Section 51-A of CCP Act. However, the respondents-Police, without providing an opportunity of hearing and without supplying documents has passed the externment order. Therefore, the impugned order cannot be sustained in the eye of law.

4. The learned Additional Public Prosecutor appearing for respondents submitted that three previous cases are pending against the accused. He further submitted that an opportunity was given to the petitioner to explain the allegations, but he failed to appear and submitted his explanation only through his Advocate. Hence, second show cause notice was issued and directed the petitioner to appear in person to explain those allegations. Though the said replies did not provide sufficient grounds, it have not been considered. It is further stated



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that after following due procedures, the impugned order has been passed.

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5. Heard the learned counsel on either side and perused the materials available on record.

6. Be that as it may, however, there is no proof whatsoever available on record and produced before this Court to substantiate the submissions of both parties. The order of externment has been passed under Section 51-A of the CCP 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



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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 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



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and examining the witnesses produced by him.

(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 subsection (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. A perusal of the above said provisions of law makes it clear that before passing an order, it is mandatory on the part of the Commissioner / Joint Commissioner / Deputy Commissioner of Police to issue show cause notice informing the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of explaining those allegations.

8. The very impugned order passed by the first respondent clearly indicates that the replies to the show cause notices issued by the lawyer of the petitioner, have not been considered before passing the impugned order. The records also further indicates that second show cause notice was issued on 26.08.2025, wherein in paragraph No.9, it is clearly stated that on 23.08.2025 the petitioner was not present, but a notice from one Advocate Kalicharan has been sent to the respondent's office. In the absence of the petitioner's personal appearance, the said reply was not considered. Therefore, second opportunity was granted to the petitioner to appear in person and to explain the allegations in writing or to produce any witnesses for examination in his favour and also entitled to appear through a counsel for explaining the allegations.



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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 allegations under Sub-Section 2 of Section 51-A of the CCP Act. Therefore, once explanation is given by the petitioner through his Advocate, it is the duty of the respondents to consider the same. However, the very same order clearly indicates that explanation of the petitioner has not been considered. In fact, the respondents directed the petitioner to appear in person, which is totally very contrary to law. Therefore, this Court is of the view that the very order passed by the first respondent-Police cannot be sustained 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 13.09.2025 is hereby set aside. It is open to the respondents to initiate fresh action by issuing a fresh show cause notice, after giving an opportunity of hearing to the parties as provided under Section 51-A of CCP Act, and thereafter, proceed with the case on merits and in accordance with law by following all the procedures. No costs. Consequently, connected miscellaneous petitions are closed.



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Index : Yes/No

Neutral Citation Case : Yes/No

Speaking Order : Yes/No

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