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Crl.O.P. No. 6778 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.06.2026

CORAM

THE HONOURABLE MR. JUSTICE M. NIRMAL KUMAR

Crl.O.P. No. 6778 of 2026

T. Elayaraja

..Petitioner

Vs.

1. The Sub-Divisional Executive
Magistrate cum
The Revenue Divisional Officer,
Virudhachalam,
Cuddalore District.

2. The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.

..Respondents

Prayer: Criminal Original Petition filed under Section 528 of BNSS to call for the records relating to proceedings of the 1st respondent dated 13.02.2026 in M.C./31/26 and quash the same as illegal, arbitrary and without jurisdiction and in violation of the mandatory requirements under BNSS, 2023.

For Petitioner

::

Mr.S.P. Harikrishnan



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For Respondents ::

Mr.R. Rajasekaran
Counsel for Govt. of Tamil Nadu
(Crl.Side)

ORDER

The present criminal original petition has been filed challenging the notice dated 13.02.2026 issued by the 1st respondent herein directing the petitioner to appear on 03.03.2026 and execute a preventive bond of Rs.1,00,000/- for one year to maintain peace and public order.

2. Learned counsel for the petitioner submitted that the impugned notice issued by the 1st respondent is vague and fails to show any cause or material to demonstrate as to how the actions of the petitioner are likely to disturb public peace. The petitioner has no involvement in any criminal case and he has been falsely implicated in the earlier FIR No. 617/22 dated 15.05.2022. Further, the learned counsel for the petitioner would submit that apart from the aforesaid FIR, the petitioner was in fact a victim in Crime No. 435 of 2023. Therefore, the petitioner cannot be termed as a habitual offender. Learned counsel would add that the omission to refer to the factual basis for asserting that the actions of the petitioner would disturb public peace thereby necessitates preventive action is, in clear



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violation of the mandatory requirements under Section 130 of BNSS. In

support of his contentions, the learned counsel for the petitioner relied on the *order dated 13.10.2025 in Crl.O.P.(MD) No. 17072 of 2025 (K. Ramasubburoyal V. The Sub Divisional Magistrate cum The Sub Collector, Cheranmahadevi, Tirunelveli District and another), order dated 26.08.2022 in Crl.O.P.(MD) No. 15342 of 2022 (Kumaresan V. The II Class Divisional Magistrate cum The Tashildar, Paramakudi Taluk, Ramanathapuram District and another)* and the *order dated 13.10.2025 in Crl.MC. No. 8561 of 2025 (MV Nithamol V. State of Kerala).*

3. Learned Government Counsel appearing on behalf of the respondent Police would submit that in this case, the petitioner is a History Sheeted Rowdy with HS. No. 17 of 2023 on the file of Virudhachalam Police Station and given his criminal antecedents and involvement in serious offences, the issuance of the impugned notice dated 13.02.2026 is fully justified.

4. Heard the learned counsel on either side.

5. The respondent Police has filed a counter affidavit and the relevant portions are scanned and reproduced hereunder:



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“4. It is submitted that, during the previous year, a dispute arose when cattle belonging to petitioner allegedly grazed in the agricultural field of one Adalarasu. In connection with the said dispute, Adalarasu lodged a complaint against petitioner/T. Elayaraja and his brother, Mr. Neethirajan, before the Virudhachalam Police Station. As a result, the hostility between the families of petitioner/Mr.Ilaiyaraja and Mr. Rajasekaran intensified.

5. It is submitted that, thereafter, on 14.05.2022, at about 5:30p.m., near the agricultural field of Velmurugan at Manavalanallur, it was alleged that petitioner/Ilaiyaraja and his brother Mr.Neethirajan assaulted Adalarasu in land belonging to Adalarasu's paternal uncle, causing injuries to his head and back. Based on a complaint lodged by Adalarasu, a case was registered at Virudhachalam Police Station in Crime No. 617 of 2022 under Sections 147, 148, 294(b), 323, 324 and 506(ii) IPC, which was subsequently altered to Sections 147, 148, 149, 294(b), 323, 324, 326, 506(i) and 307 IPC, and a final report/charge sheet has been filed against the accused persons.

6. It is submitted that, complainants were also made alleging encroachment upon the cremation ground and the pathway leading thereto, which had been assigned by the Government for the use of members of the Adi Dravidar community within the territorial limits of Manavalanallur Panchaya. In this regard, proceedings were initiated based on the communication of the Block Development Officer, Virudhachalam, in Na.Ka. No. A1/2830/2021 dated 25.11.2022, and petitions registered as CSR Nos. 247/2023, 248/2023 and 251/2023 date 07.03.2023 at Virudhachalam Police Station. In order to prevent further disputes between the rival groups, a proposal was forwarded through Virudhachalam Police Station to the Sub-Collector, Virudhachalam, seeking initiation of proceedings under Section 145 Cr.P.C. , and appropriate action was taken accordingly.

7. It is submitted that, on 05.06.2023 at about 7.30p.m, at the junction of Junction Road and Erumanur Road, while Mr Ilaiyaraja was travelling in his Swift Dzire car bearing Registration No. TN-31-BV-4455, it was alleged that Adalarasu and two of his associates wrongfully restrained and assaulted him. During the incident, the rear indicator lamp and the left-side mirror of the vehicle were damaged. Based on the complaint lodged by Mr.Ilaiyaraja, a case was registered at Virudhachalam Police Station in Crime No. 366 of 2023 under Sections 341, 294(b), 427 and 506(ii) IPC.



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8. *It is submitted that, Adalarasu, harboring resentment over the previous incidents and with the intention of eliminating petitioner, entered into a criminal conspiracy with his associates. In furtherance of the said conspiracy, Adalarasu allegedly procured an illicit firearm through his associate Vijayakumar from one Mohammed Younis of Chrompet. On 08.09.2023 at about 5:30p.m., near the chamber of petitioner at Manavalanallur, the accused persons, namely, Adalarasu and his associates, allegedly assembled unlawfully and attacked petitioner. During the occurrence, Vijayakumar allegedly fired the firearm in his possession, causing a gunshot injury below the left hip region of petitioner. While attempting to escape in his car, another shot was allegedly first at the vehicle, resulting in damage to the right-side window glass. Fragments of shattered glass caused injuries to Mr.Ilayaraj on both shoulders and on the right side of his body. He thereafter underwent treatment at Ramachandra Hospital, Chennai.*

9. *It is submitted that, based on the complaint, a case was registered in Crime No. 435 of 2023 under Sections 147, 148, 341, 294(b), 324 and 307 IPC read with Sections 25(1B)(a) and 27(1) of the Arms Act and Section 3(1) of the Tamil Nadu Property (Prevention of Damage and Loss) Act. Upon investigation, the case was altered to include Section 120-B IPC. The accused persons were arrayed as : (1) Vijayakumar (2) Adalarasu (3) Surya (4) Venkatesan (5) Satheeswaran (6) Saravanan (7) Pugazhendhi (8) Arunkumar and (9) Mangaiyarkarasi. Accused Nos. 1 to 8 were arrested on 09.09.2023 and remanded to judicial custody. Subsequently, on 10.09.2023, Accused No.10, Mohammed Younis, was arrested and remanded to judicial custody. Further accused, namely (11) Anbarasu (12) Senthilkumar and (13) Azhageswaran, were arrested on 22.09.2023 and remanded to judicial custody. Accused (14) Sottu @ Sheikh Khairul Haq and (15) Meemi @ Senthamizhselvan were also implicated in the case and were subsequently proceeded against in accordance with law.*

10. *It is submitted that, preventive detention proceedings under the Tamil Nadu Prevention of Dangerous Activities Act (Goondas Act) were initiated against (1) Raja Adalarasu, son of Rajasekaran, pursuant to Detention Order No. c3/DO/55/2023 dated 26.09.2023 (TPDA No. 4055 dated 27.09.2023); (2) Pugazhendhiraja, son of Rajasekaran; and (3) Vijayakumar, son of Arokiyasamy, pursuant to Detention Order No. C3/DO/56/2023 and C3/DO/57/2023 dated 30.09.2023 (TPDA Nos. 4057 and 4058 dated 01.10.2023). All of them detained under preventive custody.*



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11. *It is submitted that, upon continuous surveillance and collection of confidential intelligence, it was revealed that both rival factions continued to nurture mutual hostility and were allegedly planning to engage outsiders to eliminate members of the opposing group. In order to prevent any breach of peace and maintain public order, communications were addressed to the Revenue Divisional authorities requesting the convening of peace committee meetings and initiation of preventive proceedings. Accordingly, letters were issued to the Tahsildar and Revenue Divisional Officer, Virudhachalam, vide C.No.12/V.K.A./Viru/107 Cr.P.C./2023 dated 21.09.2023, C.No.01/.../107/.../2024 dated 06.01.2024, C.No.02/.../107/.../2024 dated 06.01.2024, C.No.02/.../107/.../2024 dated 11.06.2024 and C.No.05/.../126 BNSS/2025 dated 25.03.2025, seeking appropriate preventive action.*

12. *It is submitted that, in connection with the forthcoming Legislative Assembly Elections, summons in M.C. No. 31/2026 dated 13.02.2026 were issued by the Revenue Divisional Officer to petitioner directing his appearance on 03.03.2026. However, despite service of summons, he has not appeared before the authority. Confidential enquiries further reveal that both rival groups continue to harbour animosity arising out of their longstanding disputes and that there exists a reasonable apprehension that either directly or through hired persons, they may engaged in violence acts against each other, resulting in loss of life, disturbance to public tranquility, breach of peace, and serious law-and-order problems affecting the general public. Accordingly, preventive action is considered necessary to avert any imminent threat to public peace and order.*

13. *It is submitted that, the petitioner namely T.Elayaraja, S/o. Thiryagarajan is a Habitual Offender and a History Sheeted Rowdy vide H.S. No. 17 of 2023, on the file of Virudhachalam Police Station, Cuddalore District.*

14. *It is submitted that, now the petitioner filed this present petition seeking to call for the records relating to proceedings of the 1st respondent dated 13.02.2026 in M.C. No. 31/2026 and quash the same as illegal, arbitrary and without jurisdiction and in violation of the mandatory requirements under BNSS 2023 and pass such further order.*



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15. *It is submitted that, the present petition is wholly misconceived, premature and liable to be dismissed in limine. The petitioner seeks to challenge the proceedings dated 13.02.2026 in M.C. No. 31 of 2026 as being illegal, arbitrary and without jurisdiction. The said contention is wholly unsustainable both on facts and in law.*

16. *It is, submitted that, at the outset, it is submitted that the impugned proceedings are only preventive in nature and were initiated upon the subjective satisfaction of the competent authority based on credible materials placed before it. The petitioner was merely directed to appear before the authority in response to summons dated 13.02.2026. Instead of appearing before the authority, participating in the enquiry and placing his objections, the petitioner has rushed to this Hon'ble Court seeking to stall the statutory proceedings.*

17. *It is submitted that, the petitioner has deliberately suppressed material facts regarding his criminal antecedents and his involvement in serious offences. The petitioner is a History Sheeted Rowdy bearing H.S. No. 17 of 2023 on the file of Virudhachalam Police Station. His activities have repeatedly attracted the attention of law enforcement agencies and have been a source of concern for maintenance of public peace and tranquility."*

6. On a perusal of the counter affidavit, it is seen that the petitioner is a history sheeted rowdy and it is only as a precautionary measure that the notice has been issued directing him to execute a bond. Hence, finding no merits in the contentions of the petitioner, the criminal original petition stands dismissed. Connected miscellaneous petition is closed.

24.06.2026

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M. NIRMAL KUMAR,J.

nv

To

1. The Sub-Divisional Executive
Magistrate cum
The Revenue Divisional Officer,
Virudhachalam,
Cuddalore District.
2. The Inspector of Police,
Virudhachalam Police Station,
Cuddalore District.
3. The Public Prosecutor
High Court, Madras.

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