



Crl.O.P(MD)No.22100 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.01.2026

CORAM:

THE HONOURABLE MR JUSTICE G.K. ILANTHIRAIYAN

AND

THE HONOURABLE MS.JUSTICE R. POORNIMA

Crl.O.P(MD)No.22100 of 2025

M.Abdul Gani

... Petitioner

-VS-

- 1.The Additional Secretary to Government,
Secretariat,
St. George Fort,
Chennai-600 009.
- 2.The Commissioner of Police/
The Additional District Magistrate,
O/o.The Commissioner of Police,
Madurai City.
- 3.The Deputy Commissioner of Police,
O/o. The Deputy Commissioner of Police (South),
Madurai City.
- 4.The Assistant Commissioner of Police,
Temple Range,
Madurai City.



CrI.O.P(MD)No.22100 of 2025

WEB COPY

5.The Deputy Superintendent of Police,
O/o.The Deputy Superintendent of Police,
National Investigation Agency (NIA),
No.10, Millers Road,
Purasaiyakkam, Chennai.

... Respondents

PRAYER: Petition filed under Section 528 of BNSS, to set aside the dismissal order in C.R.P.No.42 of 2025, dated 04.09.2025, on the file of the learned V Additional District and Sessions Judge, Madurai and consequently set aside the Prohibition Order in C.No. 61/Camp/COPMC/2022 dated 01.10.2022 issued by the Commissioner of Police, Madurai City.

For Petitioner	: Mr.SMA.Jinnah
For R1 to R4	: Mr.T.Senthil Kumar Additional Public Prosecutor
For R5	: Mr.AR.L.Sundaresan Additional Solicitor General Assisted by Mr.R.Karthikeyan Standing Counsel for NIA

ORDER

(Order of the Court was made by G.K. ILANTHIRAIYAN,J.)

This Criminal Original Petition has been filed challenging the order passed in C.R.P.No.42 of 2025, dated 04.09.2025 by the V



Crl.O.P(MD)No.22100 of 2025

WEB COPY

Additional District and Sessions Judge, Madurai, thereby, dismissed the revision petition as not maintainable.

2. The petitioner owns an umbrella shop in the name of Mani Market. He is the President of Puthanatham Muslim Jamaat Welfare Association. He purchased the land at door No.38, Thasildhar Pallivasal Street, Madurai and constructed a shopping complex. The said complex was rented out to a tenant by name Imam Mohammed Abdul Sakthi. The period of rental agreement is from 01.04.2022 to 31.03.2024. While being so, the fifth respondent found that some illegal activities are going on in the said premises. The second respondent issued notification dated 01.10.2022. The said notification revealed that the second floor of the said premises are used for the purpose of unlawful activities and notified the entire second floor of the said complex under Section 8(1) of the Unlawful Activities (Prevention) Act, 1967 (In short hereinafter referred to as 'UAPA Act'). Further, the second respondent also directed the fourth respondent to take appropriate action to make a list of all movable properties found in the second floor of the building.



CrI.O.P(MD)No.22100 of 2025

WEB COPY

Aggrieved by the said notification, dated 01.10.2022, the petitioner had approached this Court by way of writ petition. This Court, by an order, dated 16.03.2023 dismissed the writ petition as not maintainable giving liberty to the petitioner to file an appropriate application as contemplated under Section 8(8) of the UAPA Act, within a period of one week from the date of receipt of a copy of the order. Thereafter, the petitioner had approached the V Additional District and Sessions Judge, Madurai by way of revision in C.R.P.No.42 of 2023 challenging the notification dated 01.10.2022. The said revision petition was also dismissed as not maintainable by an order, dated 04.09.2025.

3. The learned counsel appearing for the petitioner would submit that either the petitioner or the tenants are not an accused and they never used the said premises for any unlawful activities. Further, provision under Section 8(8) of the UAPA Act says that any notification made under Section 8(1) of the UAPA Act can be challenged by way of an application under Section 397 Cr.P.C. Therefore, revision is very much maintainable, but the learned V Additional District and Sessions



Crl.O.P(MD)No.22100 of 2025

WEB COPY

Judge, Madurai, without considering the above, mechanically dismissed the revision petition as not maintainable.

4. The learned Additional Solicitor General appearing for the fifth respondent rightly pointed out the provision under Section 8(8) of the UAPA Act and he submits that challenge to be made as against the notification issued under Section 8(1) of the UAPA Act by way of application to the District Court under Section 8(8) of the UAPA Act, within a period of 30 days from the date of notification. Therefore, revision filed by the petitioner was rightly dismissed as not maintainable.

5. Heard the learned counsel appearing for the petitioner, learned Additional Public Prosecutor appearing for the respondents 1 to 4 and the learned Additional Solicitor General appearing for the fifth respondent.

6. On perusal of the records revealed that the premises owned by the petitioner was attached by way of notification, dated



Crl.O.P(MD)No.22100 of 2025

01.10.2022 in C.No.61/Camp/COPMC/2022, on the file of the second respondent. It is relevant to extract the provision under Section 8(8) of the UAPA Act:-

“8(8) Any person aggrieved by a notification issued in respect of a place under sub-section (1) or by an order made under sub-section (3) or sub-section (4) may, within thirty days from the date of the notification or order, as the case may be, make an application to the Court of the District Judge within the local limits of whose jurisdiction such notified place is situate:-

(a) for declaration that the place has not been used for the purpose of the unlawful association; or

(b) for setting aside the order made under sub-section (3) or sub-section (4), and on receipt of the application the Court of the District Judge shall, after giving the parties an opportunity of being heard, decide the question.”

However, the petitioner did not file an application under Section 8(8) of UAPA Act. He has approached this Court directly by way of writ petition and this Court has dismissed the writ petition and had given a liberty to approach the District Court to invoke the provision under Section 8(8) of



Crl.O.P(MD)No.22100 of 2025

the UAPA Act. Thereafter, the petitioner filed revision petition under Section 397 Cr.P.C., before the District Court, without invoking the provision under Section 8(8) of UAPA Act. Therefore, the learned District Judge, Madurai has rightly rejected the revision petition filed under Section 397 Cr.P.C., as not maintainable. However, the petitioner, as directed by this Court, immediately approached the District Court by way of revision.

7. In view of the above facts, the petitioner is at liberty to approach the District Court as against the notification, dated 01.10.2022 issued by the second respondent, within a period of one week from the date of receipt of a copy of this order, by invoking the provision under Section 8(8) of the UAPA Act. It is also made clear that the District Judge, Madurai is directed to dispose of the application, if any, filed by the petitioner by invoking the provision under Section 8(8) of the UAPA Act, on merits and in accordance with law, as expeditiously as possible.



Crl.O.P(MD)No.22100 of 2025

8. With the above direction, this Criminal Original Petition

WEB COPY

is disposed of.

[G.K.I., J.] [R.P., J.]

05.01.2026

am

NCC :Yes/No

Index: Yes/No

Internet: Yes/No



Crl.O.P(MD)No.22100 of 2025

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- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
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Crl.O.P(MD)No.22100 of 2025

G.K. ILANTHIRAIYAN,J.
AND
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