



W.P(Cr)MD.No.1796 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2026

CORAM:

**THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN
AND
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.P(Cr)MD.No.1796 of 2025
and
W.M.P(MD)No.424 of 2025**

1.The Tamil Nadu Development Foundation Trust,
Represented by its Secretary,
K.Syed Mohamed Ibrahim.

2.Arivagam,
Represented by its Principal Makkathum Naina

... Petitioners

Vs.

1.The Government of India,
Represented by its Secretary,
Ministry of Home Affairs,
New Delhi – 110 003.

2.The State of Tamil Nadu,
Represented by its Chief Secretary to Government,
Public (SC) Department,
Chennai – 600 009.

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3.The National Investigation Agency (NIA),
Represented by its Superintendent of Police,
Ministry of Home Affairs,
Government of India,
New Delhi – 110 003.

4.The District Collector cum District Magistrate,
Theni,
Theni District. ... Respondents

PRAYER:- Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to O.P.No.126 of 2023 on the file of the learned Principal District Judge, Theni District and to set aside the order passed therein dated 19.02.2025 which confirmed the order of the fourth respondent dated 30.09.2022 as the same as illegal and consequently direct the respondents to de-seal the property situated at Door No.6-8-12, Muthuthevanatti, Theni Taluk and Theni District.

For Petitioners : Mr.C.M.Arumugam

For R – 1 : Mr.K.Govindarajan
Deputy Solicitor General of India

For RR 2 & 4 : Mr.R.Baskaran
Additional Advocate General
Assisted by
Mr.D.Ghandiraj
Special Government Pleader

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For R – 3

: Mr.AR.L.Sundaresan
Assistant Solicitor General of India
Assisted by
Mr.R.Karthikeyan
Standing Counsel

ORDER

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

This Writ Petition has been filed challenging the order dated 19.02.2025 passed in O.P. No. 126 of 2023 on the file of the learned Principal District Judge, Theni District, thereby confirming the order passed by the fourth respondent dated 30.09.2022, under Sections 7 and 8 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as the 'U.A.P.A'), and attaching the immovable property of the petitioners.

2.The first petitioner is the Tamil Nadu Development Foundation Trust, registered vide Document No. 837 of 1993, dated 19.08.1993, and the second petitioner is an independent body established by the first petitioner to execute its objectives.

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3. While being so, the third respondent registered the F.I.R. in R.C.No.42/2022/NIA/DLI, dated 19.09.2022, for the offences punishable under Sections 120-B, 153A, 153AA of the I.P.C and Sections 13, 17, 18, 18B, 38, and 39 of the U.A.P.A, against the accused persons, who are alleged to be the office bearers and members of the Popular Front of India (in short hereinafter referred to as 'PFI'). The allegations state that they committed criminal conspiracy, planned unlawful activities, and caused disharmony and ill will between members of different religions. Further, the PFI and its office bearers operated a clandestine network of motivated youths to identify vulnerable non-Muslims, using the petitioners and Darul Hikma, located in Theni and Tirunelveli Districts, respectively.

4. Therefore, the property belonging to the first petitioner, situated at Door No. 6-8-12, Muthuthevanpatti, Theni Taluk, Theni District, was attached by the fourth respondent through proceedings dated 30.09.2022. Prior to the attachment, the first respondent issued

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a notification dated 27.09.2022 in exercise of the powers conferred by Section 3(1) of the U.A.P.A, declaring the PFI and its associates, affiliates, or fronts as an unlawful association with immediate effect for a period of five years from the date of the said publication. The notification was published by the second respondent in the Government Gazette, dated 28.09.2022. The first respondent also issued a notification dated 27.09.2022 in exercise of the powers conferred under Section 42 of the U.A.P.A and directed that all powers exercisable by it under Sections 7 and 8 of the U.A.P.A, in relation to the unlawful association, shall also be exercised by the State Government and Union Territory Administration. Thereafter, the fourth respondent, by order dated 30.09.2022, ordered the attachment of their office premises on the pretext of labelling it as one of the PFI offices. This was challenged before the District Court in O.P. No. 126 of 2022, and the same was dismissed, confirming the order of attachment by an order dated 19.02.2025. Aggrieved by the same, the present Writ Petition has been filed.

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5.The learned counsel appearing for the petitioners submitted that, simultaneously, the third respondent also passed an order under Section 25 of the U.A.P.A, thereby forfeiting the subject property on the grounds that the petitioners intended to use it for terrorism. This was challenged by way of an appeal, and it is pending.

6.He further submitted that, in order to pass an order under Section 8(4) of the U.A.P.A, the so-called unlawful association must first be declared as unlawful by a notification under Section 3(1) of the U.A.P.A by the Central Government in the Official Gazette. Only after such a notification can an order be passed under Section 8(4) of the U.A.P.A. However, the first respondent did not issue any notification declaring that the petitioners are an unlawful association.

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7. Though the first respondent relied upon the notification dated 27.09.2022, it did not pertain to the petitioners. It was issued only against PFI and its associates, affiliates, or fronts, including Rehab India Foundation (RIF), Campus Front of India (CFI), All India Imams Council (AIIC), National Confederation of Human Rights Organizations (NCHRO), National Women's Front, Junior Front, Empower India Foundation, and Rehab Foundation, Kerala. Therefore, the order passed under Section 8(4) of the U.A.P.A cannot be sustained and is liable to be set aside.

8. Further, even assuming that there was a notification declaring the petitioners as an unlawful association, the fourth respondent has no power or jurisdiction to attach the subject premises. The fourth respondent could issue an order prohibiting any person from using the premises for the purpose of an unlawful association, but instead, the fourth respondent passed an order of attachment, thereby attaching the premises with a lock and seal.

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Moreover, the fourth respondent ordered the Tahsildar to take possession of the premises and to make an inventory of all the immovables available in the premises. Therefore, such action is impermissible under the law, and the order passed under Section 8 of the U.A.P.A cannot be sustained and is liable to be set aside.

9.The third respondent filed a counter-affidavit, and the learned Deputy Solicitor General of India appearing for the third respondent submitted that, by the notification dated 27.09.2022, the first respondent declared that the PFI and its associates, affiliates, or fronts, including Rehab India Foundation (RIF), Campus Front of India (CFI), All India Imams Council (AIIC), National Confederation of Human Rights Organizations (NCHRO), National Women's Front, Junior Front, Empower India Foundation, and Rehab Foundation, Kerala, as an “unlawful association.” The petitioners are nothing but affiliates of the PFI, and in fact, all the office bearers of the PFI and the petitioners are one and the same.

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After the registration of the crime, the list of witnesses categorically deposited about the involvement of the petitioners herein.

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10.He also pointed out the statements of L.W.67, L.W.68, L.W.109, and some posts on social media. The Secretary, who represents the first petitioner, is the person who manages the other associations of PFI in the petitioners' premises, where young muslims had been imparted training to oppose other religion. Further, the State Government was delegated to pass an order under Section 8 of the U.A.P.A through the fourth respondent by the first respondent. Accordingly, the fourth respondent passed the order. The prohibition order is nothing but an order for the attachment of the property, and the petitioners are prohibited from using the premises for any purpose. Therefore, the fourth respondent ordered the lock and seal of the premises. When the premises were ordered to be locked and sealed, it was necessary to make an inventory of the movable property available inside the premises. Therefore, the

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fourth respondent ordered to make an inventory of the movables available in the premises.

11.He further submitted that the order passed under Section 8 of the Act has nothing to do with the order passed under Section 25 of the U.A.P.A. The prohibition order was passed under Section 8 of the U.A.P.A, and the forfeiture order can be passed under Section 25 of the U.A.P.A for the forfeiture of proceeds of property that the petitioners intended to use for terrorism. In fact, the petitioners challenged an order passed under Section 25 of the U.A.P.A by way of an appeal, and it is pending. Therefore, the District Court rightly dismissed the petition filed by the petitioners and confirmed the order passed by the fourth respondent. Hence, it does not warrant any interference by this Court.

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12. Heard the learned counsel appearing on either side and perused the materials placed on record.

13. On perusal of the documents and the submissions made on either side, the following points arise for consideration:

(i) Whether the fourth respondent has jurisdiction and power to pass an order under Section 8 of the U.A.P.A.

(ii) Whether the order passed by the fourth respondent can be sustained without declaring the petitioners as an unlawful association, as contemplated under Section 3(1) of the U.A.P.A.

(iii) Whether the order of attachment passed by the fourth respondent under Section 25 of the U.A.P.A is arbitrary and ultravires.

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14.The first respondent issued a notification dated 27.09.2022 in exercise of powers under Section 3(1) of the U.A.P.A, declaring PFI and its associates to be an unlawful association with immediate effect for a period of five years from the date of publication.

15.The learned counsel appearing for the petitioners vehemently contended that the petitioners' association was not declared unlawful as per the notification dated 27.09.2022. The third respondent registered a case in R.C.No.42/2022/NIA/DLI, dated 19.09.2022, for the offences punishable under Sections 120-B, 153A, 153AA of the I.P.C. and Sections 13, 17, 18, 18B, 38, and 39 of the U.A.P.A. Thereafter, the third respondent conducted searches at 12 places, including the petitioners' premises, and during the search, many incriminating documents and articles were seized. Subsequently, A.1 and A.3 to A.9 were arrested and remanded to

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judicial custody. The founders of PFI are none other than the members of the petitioners' association. They started several organizations in Kerala, Tamil Nadu, and Karnataka. Later, these organizations merged and began functioning as a common platform in the name of PFI.

16. On perusal of the statements of L.W.67, L.W.68, and L.W.109, it is revealed that initially, PFI office bearers spoke about the oppression of Muslims in Palestine and other parts of the world. They were made to believe that Muslims were under constant attack and persecution by Hindu organizations, and were shown how Hindu outfits had destroyed the Babri Masjid, etc. It also revealed that during the beginners' camp, at the end of which they took Baiyat (oath of allegiance), they all stood together, shook hands with each other, and swore in the name of God that they would never leave the PFI nor betray it.

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17.Further, it is revealed that PFI, through the institution of the second petitioner in Theni District, deputed its cadres to conduct Dawa work in Thanjavur District at several places. They were also involved in a murder case. Therefore, these statements clearly show that the petitioners are also associates of PFI and are affiliated with it. Further, on perusal of the pamphlets of the petitioners and PFI, it is revealed that both the pamphlets have the same contact number. Hence, the notification issued by the first respondent covers the petitioners as an unlawful association. After the said declaration, the first respondent delegated powers to the State Government, which, in turn, delegated those powers to the fourth respondent to act under Section 8 of the U.A.P.A. Hence, the first point is answered accordingly.

18.Insofar as the power vested in the fourth respondent to pass the order of attachment is concerned, an attachment is nothing

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but prohibiting the petitioners from using the premises. Therefore, the fourth respondent ordered the attachment of the premises by lock and key and also ordered the Tahsildar to take possession of the premises and to make an inventory of all movable properties. Furthermore, it was ordered that no person who, at the date of the notification, was not a resident in the notified place shall, without the permission of the fourth respondent, occupy or use the premises. The order also specified that the said property shall not be alienated by any means without the prior permission of the fourth respondent and it was also instructed to the jurisdictional registering authority not to entertain any deed related to the subject premises. Therefore, the entire order is of a prohibitory nature and falls within the purview of Section 8 of the U.A.P.A.

19.The order passed under Section 8 of the U.A.P.A and the order passed under Section 25 of the U.A.P.A are completely distinct, and as such, respondents 3 and 4 have the jurisdiction and

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power to pass orders under both Section 8 and Section 25 of the U.A.P.A.

20.It is relevant to extract the provisions of Section 8 and Section 25 of the U.A.P.A, which read as follows:

“8.Power to notify places used for the purpose of an unlawful association.-

(1) Where an association has been declared unlawful by a notification issued under section 3 which has become effective under sub-section (3) of that section, the Central Government may, by notification in the Official Gazette, notify any place which in its opinion is used for the purpose of such unlawful association.

Explanation.—For the purposes of this sub-section, "place" includes a house or building, or part thereof, or a tent or vessel.

(2) On the issue of a notification under sub-section (1), the District Magistrate within the local limits of whose jurisdiction such notified place is



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situate or any officer authorised by him in writing in this behalf shall make a list of all movable properties (other than wearing-apparel, cooking vessels, beds and beddings, tools of artisans, implements of husbandry, cattle, grain and food-stuffs and such other articles as he considers to be of a trivial nature) found in the notified place in the presence of two respectable witnesses.

(3) If, in the opinion of the District Magistrate, any articles specified in the list are or may be used for the purpose of the unlawful association, he may make an order prohibiting any person from using the articles save in accordance with the written orders of the District Magistrate.

(4) The District Magistrate may thereupon make an order that no person who at the date of the notification was not a resident in the notified place shall, without the permission of the District Magistrate, enter, or be on or in, the notified place:

Provided that nothing in this sub-section shall apply to any near relative of any person who was a resident in the notified place at the date of the



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notification.

(5) *Where in pursuance of sub-section (4), any person is granted permission to enter, or to be on or in, the notified place, that person shall, while acting under such permission, comply with such orders for regulating his conduct as may be given by the District Magistrate.*

(6) *Any police officer, not below the rank of a sub-inspector, or any other person authorised in this behalf by the Central Government may search any person entering, or seeking to enter, or being on or in, the notified place and may detain any such person for the purpose of searching him:*

Provided that no female shall be searched in pursuance of this sub-section except by a female.

(7) *If any person is in the notified place in contravention of an order made under sub-section (4), then, without prejudice to any other proceedings which may be taken against him, he may be removed therefrom by any officer or by any other person authorised in this behalf by the Central Government.*



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(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.

.....

25.Powers of investigating officer and Designated Authority and appeal against order of Designated Authority.

(1) If an officer investigating an offence committed under Chapter IV or Chapter VI, has reason to believe that any property in relation to which an investigation is being conducted, represents proceeds



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of terrorism, he shall, with the prior approval in writing of the Director General of the Police of the State I[in which such property is situated, or where the investigation is conducted by an officer of the National Investigation Agency, with the prior approval of the Director General of National Investigation Agency, make an order] seizing such property and where it is not practicable to seize such property, make an order of attachment directing that such property shall not be transferred or otherwise dealt with except with the prior permission of the officer making such order, or of the Designated Authority before whom the property seized or attached is produced and a copy of such order shall be served on the person concerned.

(2) The investigating officer shall duly inform the Designated Authority within forty-eight hours of the seizure or attachment of such property.

(3) The Designated Authority before whom the seized or attached property is produced shall either confirm or revoke the order of seizure or attachment so issued within a period of sixty days from the date of such production:



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Provided that an opportunity of making a representation by the person whose property is being seized or attached shall be given.

(4) In the case of immovable property attached by the investigating officer, it shall be deemed to have been produced before the Designated Authority, when the investigating officer notifies his report and places it at the disposal of the Designated Authority.

(5) The investigating officer may seize and detain any cash to which this Chapter applies if he has reasonable grounds for suspecting that--

(a) it is intended to be used for the purposes of terrorism; or

(b) it forms the whole or part of the resources of a terrorist organisation:

Provided that the cash seized under this subsection by the investigating officer shall be released within a period of forty-eight hours beginning with the time when it is seized unless the matter involving the cash is before the Designated Authority and such Authority passes an order allowing its retention beyond forty-eight hours.



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Explanation.--For the purposes of this subsection, "cash" means--

(a) coins or notes in any currency;

(b) postal orders;

(c) traveller's cheques;

2[(ca) credit or debit cards or cards that serve a similar purpose;]

(d) bankers drafts; and

(e) such other monetary instruments as the Central Government or, as the case may be, the State Government may specify by an order made in writing.

(6) Any person aggrieved by an order made by the Designated Authority may prefer an appeal to the court within a period of thirty days from the date of receipt of the order, and the court may either confirm the order of attachment of property or seizure so made or revoke such order and release the property.”

20. Thus, it is clear that Section 8 of the U.A.P.A deals with the prohibition of the premises by the unlawful association, whereas Section 25 of the U.A.P.A deals with the forfeiture of the proceeds of the premises which are intended to be used for terrorism. The order

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passed under Section 25 of the U.A.P.A must be informed to the designated authorities within 48 hours, and it must be confirmed within 60 days. That apart, the order passed by the third respondent under Section 25 of the U.A.P.A is already under appeal and is pending adjudication.

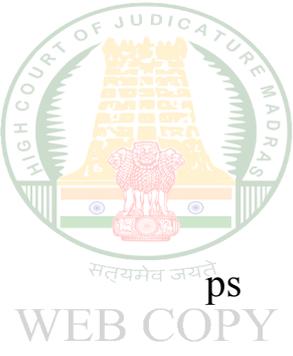
21. Therefore, the District Court, Theni, rightly dismissed the petition, and this Court finds no infirmity or illegality in the order passed in O.P.No.126 of 2023 on the file of the learned Principal District Judge, Theni District, as well as in the order passed by the fourth respondent, dated 30.09.2022.

22. Accordingly, the Writ Petition fails and is dismissed. No costs. Consequently, the connected Miscellaneous Petition is closed.

[G.K.I.J.,] & [R.P.J.,]
04.02.2026

NCC : Yes/No
Index : Yes/No

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To

1.The Secretary,
Ministry of Home Affairs,
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2.The Chief Secretary to Government,
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3.The National Investigation Agency (NIA),
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Theni,
Theni District.

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