

W.P.No.1956 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.02.2026

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CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH
and
THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER
KUMAR

W.P.No.1956 of 2013
and M.P.No.1 of 2013

Vaiko
General Secretary
Marumalarchi Dravida Munnetra
Kazhagam, 'Thayagam'
12, Rukmani Lakshmipathi Road,
Egmore, Chennai – 600 008

.. Petitioner

vs

1. Union of India,
Represented by its Secretary
Ministry of Home Affairs,
New Delhi – 110 001.
2. The State of Tamilnadu
Represented by its Secretary,
Public Department
Fort St.George,
Chennai – 600 009.
3. The Tribunal under the Unlawful Activities
(Prevention) Act, 1967,
Represented by its Registrar,
Delhi High Court Building,
Sher Shah Road,
New Delhi – 110 003.

.. Respondents



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Prayer: Writ petition filed under Article 226 of Constitution of India for issuance of writ of certiorari calling for the records relating to the order made in Re Liberation Tigers of Tamil Elam (LTTE) dated 07.11.2012 by the Tribunal under Unlawful Activities (Prevention) Act, New Delhi as published in the Tamilnadu Government Gazette Extraordinary dated 04-01-2013 and quash the same.

For Petitioner : Mr.Vaiko
(Petitioner-in-person)

For Respondents : Mr.AR.L.Sundaresan
Additional Solicitor General
assisted by
Mr.Venkataswamy Babu
Senior Panel Counsel (for R1)

Mr.P.Anandakumar
Government Advocate (for R2)

R3 - Tribunal

ORDER

(Delivered by Dr. ANITA SUMANTH, J.)

The present writ petition challenges order dated 07.11.2012 passed by the Tribunal constituted under Section 5 of the Unlawful Activities (Prevention) Act, 1967 (in short 'Act') confirming Notification dated 14.05.2012 issued by the Central Government and published in the Gazette of India, Extraordinary Part – II- Section 3(ii), bearing No. S.O.1062, under which a ban had been imposed upon the activities of the



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Liberation Tigers of Tamil Elam (LTTE/association), declaring it to be an unlawful association.

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2. We have heard Mr.Vaiko, General Secretary of Marumalarchi Dravida Munnetra Kazhagam, who appears in person to argue the matter, Mr.AR.L.Sundaresan, learned Additional Solicitor General for Mr.Venkataswamy Babu, learned Senior Panel Counsel for the Secretary, Ministry of Home Affairs, New Delhi/R1 and Mr.P.Anandakumar, learned Government Advocate for the Secretary, Public Department, State of Tamilnadu/R2. The Tribunal, represented by its Registrar, is arrayed as R3.

3. At the inception, Mr.Sundaresan assails the maintainability of this writ petition, raising objections on the following grounds. Firstly, he challenges the locus standi of the petitioner stating that, though the impugned order has been passed confirming the imposition of the ban on the activities of the LTTE, it is not the association that has challenged the ban, but the petitioner, who is not a person aggrieved by the impugned order.

4. Secondly, he submits that the impugned order of the Tribunal had confirmed Notification dated 14.05.2012 that had a validity of only two years. There have been successive Notifications imposing a ban on the LTTE thereafter, and hence, the present writ petition is infructuous as



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on date. Thirdly, he submits that as the Notification has been issued by the Central Government and confirmed by the Tribunal at Delhi, this Court is not the appropriate Court for the Petitioner to have approached.

5. He takes a cue from the decision of this Court in *Petitioners Rights Forum v. Union of India and another*¹ on a similar cause of action, where all arguments as raised by him now had been raised, and answered in favour of the Respondents. The State has filed a counter on 30.12.2013 echoing the submissions of R1, and objecting to the maintainability of this writ petition.

6. In response, petitioner draws attention to the fact that the preamble to Notification dated 14.05.2012 refers to '*supporters, sympathisers and agents of LTTE in the Territory of India*'. Being a sympathiser and supporter of the organisation, he derives his locus from that.

7. Further, since the organisation has been banned, it is not in a position to represent itself in the present matters and hence, he should be permitted to plead its cause. On the aspect of territorial jurisdiction, he points out that many of the hearings of the Tribunal were held in this State and hence this Court would have jurisdiction to hear the matter.

8. We have heard the parties and have perused the facts of the case

¹ (2013 4 L.W. 391)



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as well as the materials placed before us.

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9. The sequence of relevant dates and events, and the background to this matter, is as follows. The LTTE was declared to be an ‘unlawful association’ by a Notification issued by the Central Government on 14.05.1992 in terms of Section 3(1) of the Act, and subsequent Notifications.

10. In terms of Section 4 of the Act, Notification in S.O.No.1090(E) dated 14.05.2010 had been referred to the Tribunal for causing an enquiry as to whether there had been sufficient cause to declare the association as unlawful. The Tribunal, in the process of such adjudication, has afforded sufficient opportunity to the association to put forth its defence, that it did not avail.

11. Pending the reference, Mr.Vaiko had sought impleadment in the matter, vide Application 1/2010, and his request came to be rejected on 25.09.2010. The Tribunal had however permitted Mr. Vaiko to intervene in the matter, and also afforded full opportunity to present his case and participate in the enquiry.

12. Apart from the petitioner, the Prisoners Rights Forum and the Tamilar Desiya Iyakkam had also sought impleadment. Their petitions had also been rejected by separate orders dated 06.10.2010 holding that the measure of locus, so far as the Tribunal is concerned, would be



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restricted by virtue of Section 4(3) of the Act, to the concerned organisation and its office bearers only. Aggrieved by the rejection, W.P.No. 23141 of 2010 had come to be filed by the Prisoners Rights Forum, that was dismissed on 10.10.2010.

13. Final orders confirming the 2010 declaration had been passed by the Tribunal on 12.11.2010, having heard the petitioner in full. As against the aforesaid order, the Prisoners Rights Forum and Mr.Vaiko filed writ petitions (W.P.No.26506 of 2010 and W.P.No.28388 of 2010, respectively) that came to be dismissed on 01.07.2013. That order has become final.

14. Even pending that Writ Petition, a Notification had come to be issued afresh in terms of Section 3(1) of the Act, and for subsequent periods of two years or, post amendment of Section 6(1) in 2013, five years.

15. In respect of a Notification issued on 14.05.2012, the matter was referred to the Tribunal that was constituted vide Notification dated 06.06.2012, and by order dated 07.11.2012, the Tribunal confirmed the declaration of ban. The order of confirmation dated 07.11.2012 by the Tribunal is challenged before us.

16. Successive editions of the Notification have been issued thereafter from time to time, by virtue of which the ban continued to be in



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force seamlessly. The tenure of the ban was initially for a period of two years, and thereafter five years, in terms of Section 6 as it stood at the relevant points in time.

17. Learned Additional Solicitor General has argued that the petitioner was not a party before the Tribunal in the proceedings culminating in order dated 07.11.2012, that the petitioner is not a person aggrieved, this Court has no territorial jurisdiction to hear the matter, and that the present writ petition is infructuous by virtue of subsequent Notifications issued under the Act. He has relied upon a decision of this Court in *Petitioners Rights Forum*², wherein the arguments now raised on maintainability of the writ petition have been considered and accepted.

18. Having heard the rival submissions, we are of the considered view that nothing survives in the present writ petition now, as the Notification confirmed by the Tribunal under the impugned order, has itself lapsed, and has been succeeded by subsequent Notifications. The Notification presently in force is dated 14.05.2024, having been confirmed by the Tribunal on 06.12.2024. It is in operation till 13.05.2029.

19. The objections raised by R1 and R2 now on the aspect of locus and territorial jurisdiction were raised even in the earlier writ petition, and

² Foot Note Supra (1)



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have been accepted in the following terms by the Division Bench:

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'13. In the case on hand, when admittedly it is the case of the petitioners themselves that they are neither the office bearers nor the members of the LTTE, it cannot, in any Manner, be said that they are 'aggrieved persons' so as to challenge the notification, particularly when LTTE itself remained silent. Therefore, even on this ground of locus standi, both these writ petitions filed by the petitioners are liable only to be dismissed.

14. Further more, the impugned notification having been issued by the Central Government on 17.5.2010 and confirmed by the Tribunal, by its judgment dated 12.11.2010, by virtue of operation of Section 6(1), by this time, since the prescribed two years period has already lapsed, nothing survives in these matters to be contested now. Therefore, even on this score, both these petitions are liable only to be dismissed.

15. With regard to the jurisdiction of this Court to entertain this petition also, we are in perfect agreement with the arguments advanced on the part of the respondents. The Tribunal adorns the Bench of the Delhi High Court and but for some hearings in Tamil Nadu, for all other purposes, the Tribunal is within the territorial jurisdiction of Delhi High Court alone. The Tribunal having been constituted at Delhi and being the Bench of the Delhi High Court, in our considered view, these writ petitions filed before this Court are liable to be dismissed on this ground of lack of jurisdiction for this Court also.'

20. The above order has attained finality, having been accepted by the Petitioner. Incidentally, R2 has filed counter dated 30.12.2013 setting out objections to the maintainability of this Writ Petition, and no rejoinder has been filed by the Petitioner to the same. We are hence, of the considered view that the conclusions of the Bench as above, would apply



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to the present writ petition as well.

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21. In this view of the matter, we do not propose to entertain this writ petition any further, and have indicated so in the hearing, paving the way for a request from the petitioner for permission to amend the prayer to a challenge to the Notification presently in force.

22. We are not inclined to accept this plea at this distance of time, and as the subsequent Notifications would constitute a separate and distinct cause of action. We also do not deem it necessary or appropriate to grant liberty to the petitioner, as sought, for any further challenges along the same lines as the present and earlier writ petitions.

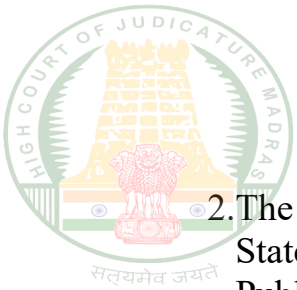
23. In light of the discussion as above, this writ petition is dismissed. No costs. Connected miscellaneous petition is closed.

[A.S.M, J.] [M.S.K, J.]
24.02.2026

Index:Yes
Speaking Order
Neutral Citation:Yes
vs

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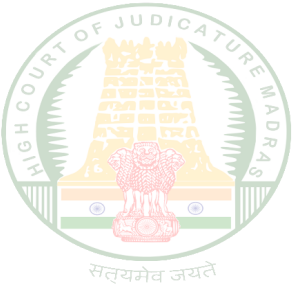
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