Registered with the Registrar
of Newspapers for India
under No. 10410

सत्यमेव जयते

புதுச்சேரி மாநில அரசிதழ்

La Gazette de L' État de Poudouchéry

The Gazette of Puducherry

PART - I

சிறப்பு வெளியீடு **EXTRAORDINAIRE** **EXTRAORDINARY**

அதிகாரம் பெற்ற வெளியீடு | Publiée par Autorité | Published by Authority

எண்		புதுச்சேரி	வெள்ளிக்கிழமை	2026 ஆம்	நவம்பர் மீ	6 உ
No.	191	Poudouchéry	Vendredi	6	Novembre	2026 (15 Kartika 1948)
No.		Puducherry	Friday	6th	November	2026

IN THE COURT OF SUBDIVISIONAL MAGISTRATE (SOUTH) AT VILLIANUR

Present : Thiru **A. KUMARAN,**
Subdivisional Magistrate (South).

M.C. No. 303/2026 I.R.No. 61/2026 Under Section 163 BNSS, 2023/2502

ORDER

[UNDER SECTION 163(3) BNSS, 2023]

To

Thirukumaran,
S/o. Subramani,
No. 42, Indira Nagar,
Kirumampakkampet,
Puducherry.

Whereas, the Station House Officer, Kirumampakkam Police Station, Puducherry, has laid an Information Report *vide* I.R. No. 61/2026, dated 06-10-2026, before this Court, seeking appropriate preventive action against the Counter Petitioner, Thirukumaran @ Manda Mugi, aged about 25 years, S/o. Subramani, residing at No. 42, Indira Nagar, Kirumampakkampet, Puducherry, under section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023, on the ground that his continued presence within the jurisdiction is likely to cause a breach of public peace and tranquillity.

And whereas, the police report states that the Counter Petitioner is associated with one of the rival groups operating in and around Kirumampakkam and that there has been a history of enmity and retaliatory incidents between the group associated with the Counter Petitioner and the rival group led by George Fernandas and his associates. The report further refers to previous criminal cases involving members of the rival groups, including allegations of attempted murder and other serious offences and apprehends that the continuing rivalry may lead to further retaliatory acts, endangering human life and public tranquillity. The police have, therefore, sought preventive intervention to avert any untoward incident.

And whereas, summons were, issued to the Counter Petitioner and enquiries were conducted before this Court on 22-10-2026 and 29-10-2026, affording him an opportunity to present his explanation regarding the allegations contained in the Information Report.

And whereas, during the enquiry, the police representative reiterated the contents of the Information Report and submitted that the continuing rivalry between the opposing groups gives rise to a genuine apprehension of retaliatory violence. It was further submitted that the forthcoming Deepavali festival is a period during which gatherings and celebrations may provide opportunities for confrontation between rival groups and that the presence of the Counter Petitioner within the jurisdiction may aggravate the existing situation and disturb public peace and tranquillity.

And whereas, the Counter Petitioner denied the allegations made against him and submitted that he is presently leading a low-profile life by working as a car technician. He further stated that he is preparing for a bodybuilding competition with the objective of securing a decent livelihood and improving his future through participation in the competition. He requested that an adverse preventive order should not be passed against him, contending that he is attempting to lead a peaceful and constructive life.

And whereas, this Court has carefully considered the submissions made by both sides, the explanation offered by the Counter Petitioner, the contents of the police report and the circumstances surrounding the rivalry between the groups. The Court aknowledges the Counter Petitioner's submission that he is engaged in gainful work and is attempting to improve his life through bodybuilding. Such efforts towards a constructive livelihood are relevant considerations and ought not to be disregarded while deciding the necessity and extent of preventive action.

And whereas, at the same time, preventive proceedings under section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023, are intended to avert an imminent or reasonably apprehended danger to human life, safety and public tranquillity. At this stage, the question before this Court is not to determine the guilt or innocence of the Counter Petitioner in any criminal case, but to assess whether preventive intervention is necessary in the prevailing circumstances to avert a possible breach of peace.

And whereas, the material placed before this Court indicates a continuing history of hostility between the rival groups, with a possibility of retaliatory incidents. The police has specifically expressed apprehension regarding the likelihood of further unlawful activities and a disturbance of public tranquillity during the forthcoming Deepavali festival. Having regard to the nature of the reported rivalry and the possibility of confrontation, this Court finds that the apprehension of a breach of peace cannot be disregarded merely on the basis of the Counter Petitioner's denial of the allegations.

And whereas, this Court is also conscious that an order restricting the Counter Ppetitioner's movement may affect his ordinary life and livelihood. Therefore, the preventive measure must be proportionate to the apprehended threat and limited to the period reasonably considered necessary to safeguard public peace. In the circumstances of the present case, this Court considers that a temporary restriction for one month, rather than the longer period sought by the police, would be appropriate to address the immediate apprehension of disturbance while avoiding an unnecessarily prolonged restriction.

And whereas, upon consideration of the material available on record and the submissions made during the enquiries conducted on 22-10-2026 and 29-10-2026, this Court is satisfied that preventive action is warranted for a limited period to minimise the possibility of confrontation between the rival groups and to maintain peace and tranquillity within the area.

Now therefore, I, A. Kumaran, Subdivisional Magistrate (South), Puducherry, in exercise of the powers conferred upon me under section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023 and upon being fully satisfied that immediate preventive action is necessary to prevent disturbance of public peace and public tranquillity, I hereby pass the following order:

(1) The Counter Petitioner, Thirukumaran, son of Subramani, shall remain outside the territorial jurisdiction of the South Revenue Division, Puducherry, for a period of one (01) Month from the date of service of this order or till any further orders are passed by the Competent Authority revoking this prohibition as per law, whichever is earlier except when you are summoned to attend the cases in any of the Courts in Puducherry. However, you may appear either in person or by pleader before the undersigned to represent against the order.

(2) The Station House Officer, Kirumampakkam Police Station, Puducherry, shall ensure strict implementation of this order and shall closely monitor compliance by the Counter Petitioner throughout the period of operation of this order.

(3) In the event of violation of any of the directions contained herein, the Counter Petitioner shall render himself liable for appropriate action under the provisions of the Bharatiya Nagarik Suraksha Sanhita, 2023, the Bharatiya Nyaya Sanhita, 2023 and other applicable laws, without prejudice to any other legal proceedings that may be initiated against him.

At Villianur, dated this 29th day of October, 2026.

A. KUMARAN,
Subdivisional Magistrate (South).

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online publication at **"https://styandptg.py.gov.in"**
Published by the Director, Government Press, Puducherry.