



2026:KER:4119

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE DR. JUSTICE A.K.JAYASANKARAN NAMBIAR

&

THE HONOURABLE MR.JUSTICE JOBIN SEBASTIAN

MONDAY, THE 19TH DAY OF JANUARY 2026 / 29TH POUSHA, 1947

WP(CRL.) NO. 43 OF 2026

PETITIONER:

VIJITH
AGED 37 YEARS
S/O RAVINDRAN, KAKKATTIL HOUSE, KALLOOR VADAKKUMURI
VILLAGE, PARAYAM COLONY DESOM, THRISSUR., PIN -
680308

BY ADVS.
SRI.P.YADHU KUMAR
SMT.ASWINI SANKAR R.S.
SMT.ASWATHY MENON
SMT.SIMMY JOSEPH

RESPONDENTS:

1 STATE OF KERALA
REPRESENTED BY SECRETARY, DEPARTMENT OF HOME
AFFAIRS, GOVERNMENT SECRETARIAT, STATUE, PALAYAM,
THIRUVANANTHAPURAM., PIN - 695001

2 THE DEPUTY INSPECTOR GENERAL OF POLICE (THRISSUR
RANGE, HIGH ROAD, THRISSUR., PIN - 688001

3 STATION HOUSE OFFICER
KORATTY POLICE STATION KORATTY P.O, THRISSUR
RURAL, KERALA., PIN - 680308

BY SRI.K.A.ANAS, PUBLIC PROSECUTOR

THIS WRIT PETITION (CRIMINAL) HAVING COME UP FOR
ADMISSION ON 19.01.2026, THE COURT ON THE SAME DAY DELIVERED
THE FOLLOWING:



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JUDGMENT

Jobin Sebastian, J.

This is a writ petition filed under Article 226 of the Constitution of India, challenging Ext.P1 order of externment dated 31.07.2025 passed against the petitioner under Section 15(1)(a) of the Kerala Anti-Social Activities (Prevention) Act, 2007 [KAA(P) Act for the sake of brevity]. By the said order, the petitioner was interdicted from entering the limits of Thrissur Revenue District for a period of one year from the date of the receipt of the order.

2. The records available before us reveal that, on 11.07.2025, the District Police Chief, Thrissur Rural, after considering the recurrent involvement of the petitioner in criminal activities, submitted a proposal for the initiation of proceedings against the petitioner under Section 15(1)(a) of the KAA(P) Act, 2007 before the authorised officer, the Deputy Inspector General of Police, Thrissur Range. For initiation of the said proceedings, the petitioner was classified as a "known rowdy" as defined under Section 2(p)(iii) of the KAA(P) Act, 2007.

3. The authority considered three cases in which the petitioner got involved in passing the externment order. Out of the said cases, the case registered against the petitioner with respect to the last prejudicial activity is crime No.434/2025 of Koratty Police Station, alleging commission of offences punishable under Sections 296(8),



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351(2), 118(1), 10, 126(2) and 324(4) of Bharatiya Nyaya Sanhita (for short “BNS”).

4. Heard Smt. Aswathy Menon, the learned counsel appearing for the petitioner, and Sri. K. A. Anas, the learned Public Prosecutor.

5. The learned counsel for the petitioner would submit that Ext.P1 order was passed on improper consideration of facts and without proper application of mind. According to the counsel, Ext.P1 order was passed in a casual manner, and it was without assigning any reason that the jurisdictional authority passed an order of externment for a maximum period of one year. The learned counsel further urged that when the maximum period of externment was ordered, it was incumbent upon the authority to show the reasons for the same. Nevertheless, no convincing reason whatsoever has been assigned by the authority for passing the maximum period of externment, and hence, the impugned order warrants interference.

6. Per contra, the learned Public Prosecutor submitted that the impugned order was passed by the jurisdictional authority after proper application of mind and upon arriving at the requisite objective as well as subjective satisfaction. According to the learned Public Prosecutor, there is nothing wrong in passing an externment order for one year if the circumstances warrant it, and therefore, no interference is required in the impugned order.



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7. A perusal of the records reveals that it was after considering the involvement of the petitioner in three cases registered against him that the proceedings under the KAA(P) Act were initiated against him. Out of the said cases considered by the jurisdictional authority, the case registered with respect to the last prejudicial activity is crime No.434/2025 of Koratty Police Station, alleging commission of offences punishable under Sections 296(8), 351(2), 118(1), 10, 126(2) and 324(4) of BNS. The incident that led to the registration of the said case occurred on 23.04.2025. It was on 11.07.2025, the District Police Chief, Thirssur Rural, mooted the proposal for initiation of proceedings under the KAA(P) Act against the petitioner. Thereafter, on 19.07.2025, the jurisdictional authority issued a notice to the petitioner calling upon him to show cause as to why an order of externment should not be passed against him. In response to the said notice, the petitioner appeared before the jurisdictional authority on 31.07.2025, but no written representation was submitted by him. It was after hearing him in detail that Ext.P1 order was passed. The sequence of events narrated above clearly reveals that there is no unreasonable delay either in mootling the proposal or in passing Ext.P1 order. Similarly, the records reveal that the impugned order was passed after scrupulously complying with the procedural safeguards provided under the KAA(P) Act.

8. The main dispute that revolves around this writ petition is with respect to the period of externment ordered by the jurisdictional



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authority. As already stated, the main grievance of the petitioner is that it was without assigning any reason that the maximum period of externment was ordered. While considering the said contention, it is to be noted that the scope of interference by a court of law in the subjective as well as objective satisfaction arrived on by the jurisdictional authority that passed an order of externment is too limited. However, an order of externment certainly has a heavy bearing on the personal as well as fundamental rights of an individual. Such an order would certainly deprive a citizen concerned of his fundamental right of free movement throughout the territory of India. By such an order, he is prevented from entering his house and from residing with his family members during the subsistence of the order as well. Therefore, while prescribing the maximum period of externment, the jurisdictional authority must apply its mind properly, and the order must reflect the necessity of passing the maximum period. In other words, the order should provide reasons for invoking the maximum period of externment. In short, the jurisdictional authority shall exercise its power cautiously, though the authority is clothed with the power to order a maximum period of externment, subject to the restriction that it shall not be more than one year.

9. The Supreme Court in **Deepak S/o Laxman Dongre v. State of Maharashtra and Others** [(2023) 14 SCC 707], while dealing with a preventive detention order passed under the Maharashtra Police Act, 1951 held that:



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"On a plain reading of Section 58, it is apparent that while passing an order under Section 56, the competent authority must mention the area or District or Districts, in respect of which the order has been made. Moreover, the competent authority is required to specify the period for which the restriction will remain in force. The maximum period provided for is of two years. Therefore, an application of mind on the part of the competent authority is required for deciding the duration of the restraint order under Section 56. On the basis of the objective assessment of the material on record, the authority has to record its subjective satisfaction that the restriction should be imposed for a specific period. When the competent authority passes an order for the maximum permissible period of two years, the order of externment must disclose an application of mind by the competent authority and the order must record its subjective satisfaction about the necessity of passing an order of externment for the maximum period of two years which is based on material on record. Careful perusal of the impugned order of externment dated 15th December, 2020 shows that it does not disclose any application of mind on this aspect. It does not record the subjective satisfaction of respondent No.2 on the basis of material on record that the order of externment should be for the maximum period of two years. If the order of externment for the maximum permissible period of two years is passed without recording subjective satisfaction regarding the necessity extending the order of externment to the maximum permissible period, it will amount to imposing unreasonable restrictions on the fundamental right guaranteed under clause (d) of Article 19(1) of the Constitution of India."

10. Moreover, this Court in **Dinchu Mohanan v. State of Kerala and another [2015 (2) KHC 101]** held that the court is empowered to annul, amend, or confirm the order of externment passed under Section 15(1) of the KAA(P) Act. Keeping in mind the above propositions of law, while coming to the impugned order, it can be seen that nowhere in the said order, the reasons for imposing the maximum period of externment are assigned. A bare perusal of the impugned order reveals that it does not disclose any application of mind on this aspect. Therefore, we are of the view that the impugned order requires modification regarding the duration of the period of



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externment.

In the result, the writ petition is allowed in part, and Ext.P1 order is modified to the extent that the writ petitioner shall be interdicted from entering the limits of Thrissur Revenue District, for a period of six months from the date of receipt of Ext.P1 order.

Sd/-
DR. A.K.JAYASANKARAN NAMBIAR
JUDGE

Sd/-
JOBIN SEBASTIAN
JUDGE

ANS



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APPENDIX OF WP(CRL.) NO. 43 OF 2026

PETITIONER EXHIBITS

Exhibit P1 TRUE COPY OF THE EXTERNMENT ORDER NO. B3-14757/2025/TSR DATED 31.07.2025 ISSUED BY THE DEPUTY INSPECTOR GENERAL OF POLICE, THRISSUR, THE 2ND RESPONDENT.

Exhibit P2 TRUE COPY OF THE ORDER OF THE HIGH COURT OF KERALA, IN BAIL APPL. NO. 5768 OF 2023 DATED THE 27TH DAY OF JULY 2023