

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13-05-2026

CORAM

**THE HON'BLE MRS. JUSTICE L. VICTORIA GOWRI
AND
THE HON'BLE MR. JUSTICE N. SENTHILKUMAR**

WP.No. 19439 of 2026
and
WMP.Nos.20718 and 20719 of 2026

P.Chockalingam
S/o. Late. A.Piramanayagam,
President Vishwa Hindu Parishad,
North Tamil Nadu,
No.2/190, 2nd Avenue, Near Allahabad Bank,
Phase 2, AGS Colony, Mugalivakkam,
Chennai -125.

...Petitioner

Vs

1. The Additional Chief Secretary to Government, Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai 09.
2. The Director General of Police,
Tamil Nadu Police Headquarters,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 04.
3. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai 07.
4. The Superintendent of Police,
Cyber Crime Wing, Tamil Nadu Police,
Ashok Nagar, Chennai 83.

...Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, to call for the records of the fourth respondent comprised in the impugned notice bearing C.No.393-16/SP/CCD-I/CB/2026 dated 08.05.2026, quash the same as unconstitutional, arbitrary and violative of Articles 14 and 19(1)(a) of the Constitution of India, and consequently direct the respondents to refrain from issuing blanket or omnibus suspending/blocking/removal directions against lawful political criticism, democratic discussion, satire, dissent or strong opinion against political or governmental actions on social media.

For Petitioner: Mr. Sunny Sheen,
for Mr. C. Gunasekaran

For Respondents: Mr. L.S.M. Hasan Fizal, (for R1)
Additional Government Pleader

Mr. S. Raja Kumar, (for R2 to R4)
Additional Public Prosecutor

ORDER

(Order of the Court was made by L.Victoria Gowri,J)

The present writ petition places before this Court an issue which lies at the delicate intersection of State power, digital governance and constitutional liberty. The question involved is not merely whether a particular post, tweet, URL or digital expression deserves to remain on an intermediary platform. The larger question is whether political criticism, democratic dissent, satire, commentary and public opinion expressed on social media can be interdicted by omnibus executive directions, without assigning individualised reasons, without



disclosure of proximate threat, without adherence to statutory safeguards and without compliance with the constitutional discipline mandated by Articles 14 and 19(1)(a) of the Constitution of India.

2. In a constitutional democracy, the right to criticize the Government, its functionaries, political actors and public policies is not a concession granted by the State. It is a constitutional guarantee. The digital public square, though new in form, is not outside the protection of the Constitution. Content creators, social activists, political commentators, satirists and ordinary citizens who participate in democratic discourse on digital platforms are equally entitled to the protection of free speech, subject only to constitutionally permissible restrictions under Article 19(2) of the Constitution of India.

3. The Court is, therefore, called upon at this interlocutory stage to examine whether the impugned notice dated 08.05.2026, issued by the fourth respondent, directing removal/blocking of multiple URLs on X/Twitter, *prima facie* satisfies the tests of legality, necessity, proportionality, reasoned decision-making and procedural fairness.

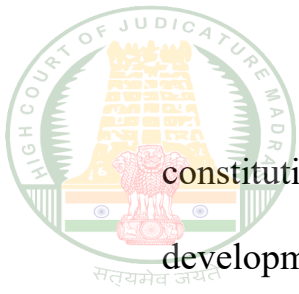
**The Writ Petition:**

4. The petitioner has filed the present writ petition seeking to call for the records of the fourth respondent comprised in the impugned notice bearing C.No.393-16/SP/CCD-I/CB/2026 dated 08.05.2026 and to quash the same as unconstitutional, arbitrary and violative of Articles 14 and 19(1)(a) of the Constitution of India. The petitioner also seeks a consequential direction restraining the respondents from issuing blanket or omnibus suspending/blocking/removal directions against lawful political criticism, democratic discussion, satire, dissent or strong opinion against political or governmental actions on social media.

5. Along with the writ petition, the petitioner has filed the present miscellaneous petitions seeking interim protection and restoration/unblocking of the URLs mentioned in the impugned notice dated 08.05.2026, pending disposal of the writ petition.

Case of the Petitioner:

6. The learned counsel appearing for the petitioner submitted that the petitioner is a social activist and public figure engaged in matters relating to temple administration, preservation of cultural heritage, spiritual advocacy and public affairs. It is submitted that the petitioner maintains an active presence on social media platforms and regularly participates in public discourse concerning



constitutional issues, governance, spirituality and contemporary political developments.

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7. It is further submitted that the petitioner recently came across the impugned notice dated 08.05.2026 issued by the Cyber Crime Wing, Tamil Nadu, directing removal/blocking of multiple Twitter/X URLs purportedly under Section 79(3)(b) of the Information Technology Act, 2000, read with Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

8. According to the petitioner, one of the affected posts, upon a plain reading, appeared to contain political criticism, commentary and opinion concerning contemporary political developments within the State. The petitioner would contend that the impugned notice clubs together multiple URLs belonging to different users under one common direction, without separately examining or analysing the content, context and constitutional status of each individual post.

9. The learned counsel for the petitioner submitted that such omnibus directions, unsupported by individualised reasoning or proper application of mind, are manifestly excessive, arbitrary and disproportionate. It is further submitted that the affected account holders were neither informed of the



allegations against them nor afforded any meaningful opportunity to respond before the issuance of the removal/blocking directions.

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10. The learned counsel also submitted that the direction requiring removal/blocking within an extremely short period of three hours is wholly disproportionate, particularly in the absence of any disclosed emergency, imminent threat of violence or extraordinary circumstance affecting public order.

11. It is the further submission of the learned counsel for the petitioner that the impugned notice proceeds on broad and generalized expressions such as “provocative political remarks”, “disturbing public tranquillity”, “maintenance of law and order” and “politically sensitive remarks”, without disclosing how each individual post satisfies the constitutional threshold of incitement to violence, public disorder or any other permissible ground under Article 19(2) of the Constitution of India.

12. The learned counsel for the petitioner placed strong reliance upon the Judgment of the Hon’ble Supreme Court in *Shreya Singhal v. Union of India*, wherein, the Hon’ble Supreme Court drew a clear constitutional distinction between discussion, advocacy and incitement. It is submitted that mere discussion or advocacy, however unpopular, disagreeable or inconvenient



to the Government, remains protected speech, and that the State may interfere only when such speech reaches the level of incitement.

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13. The learned counsel further submitted that Section 79(3)(b) of the Information Technology Act, 2000 does not confer an independent substantive power of censorship or blocking upon the State. The said provision, according to the petitioner, relates to intermediary liability and withdrawal of safe harbour protection in limited circumstances. In the absence of compliance with Section 69A of the Information Technology Act, 2000 and the procedure prescribed under the Blocking Rules, the impugned notice is *ex facie* arbitrary and constitutionally unsustainable.

14. It is also submitted that though the petitioner's own Twitter/X account has not been blocked, the issue transcends an individual grievance and squarely concerns the larger public right to free political discourse, democratic participation and constitutional protection of content creators and social media users.

15. The learned counsel finally submitted that the petitioner had submitted a detailed representation on 11.05.2026 to the respondents raising the aforesaid constitutional concerns, but the same has not been considered. It is therefore prayed that an interim stay of the impugned notice may be granted and



the fourth respondent may be directed to communicate with X Corp for restoration/unblocking of all URLs mentioned in the impugned notice.

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Submissions on behalf of the Respondents:

16. The learned Additional Government Pleader accepts notice for the first respondent.

17. The learned Additional Public Prosecutor accepts notice for respondents 2 to 4 and seeks time to file a detailed counter affidavit.

18. The learned Additional Public Prosecutor would submit that the impugned notice was issued in the interest of law and order and public tranquillity, and that the authorities are empowered to take preventive steps wherever online contents are likely to disturb public order or generate communal, political or social tension.

19. However, at this stage, no counter affidavit has been filed explaining the specific nature of the alleged offending contents, the individual reasons for blocking each URL, the manner in which each post crossed the constitutional threshold of incitement, or the statutory basis for requiring removal/blocking within three hours.



Point for consideration:

20. The point that arises for consideration at this interlocutory stage is:-

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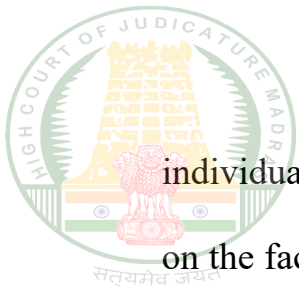
“Whether the petitioner has made out a prima facie case for grant of interim stay of the impugned notice dated 08.05.2026 bearing C.No.393-16/SP/CCD-I/CB/2026 and for a consequential interim direction to restore/unblock the URLs mentioned therein, pending disposal of the writ petition?”

Analysis:

21. We have heard the learned counsel appearing for the petitioner, the learned Additional Government Pleader appearing for the first respondent and the learned Additional Public Prosecutor appearing for respondents 2 to 4. We have also perused the materials placed before this Court.

22. The impugned notice dated 08.05.2026 appears to have been issued by the fourth respondent directing removal/blocking of multiple URLs on X/Twitter. The notice is stated to have been issued by invoking Section 79(3)(b) of the Information Technology Act, 2000 read with Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021.

23. A careful reading of the impugned notice *prima facie* indicates that multiple URLs belonging to different users have been clubbed together under a common direction. At this stage, the notice does not appear to contain

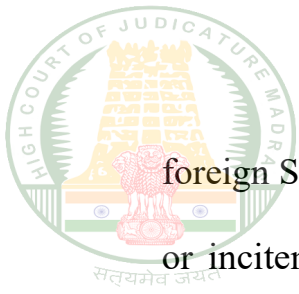


individualised reasons with reference to each URL. It does not disclose, at least on the face of it, the precise words, expressions, context or circumstances which render each post unlawful. It also does not indicate how each post satisfies the threshold of incitement to violence, public disorder or any ground falling within Article 19(2) of the Constitution of India.

24. The constitutional infirmity in a blanket direction lies not merely in its width, but in its silence. When the State restricts speech, it must speak through reasons. A citizen's liberty cannot be curtailed by a cryptic command. A content creator cannot be silenced by an omnibus formula. A political opinion cannot be removed merely because it is sharp, inconvenient, satirical, dissenting or unpalatable.

25. Article 19(1)(a) of the Constitution of India protects not only polite speech, agreeable speech or speech which is comfortable to those in power. It protects criticism, dissent, satire, political disagreement and robust public debate. The constitutional value of free speech is tested most severely when the speech in question is inconvenient to authority.

26. Article 19(2) undoubtedly permits the State to impose reasonable restrictions on the freedom of speech and expression in the interests of sovereignty and integrity of India, security of the State, friendly relations with



foreign States, public order, decency or morality, contempt of Court, defamation or incitement to an offence. However, such restriction must be reasonable. It must be founded on law. It must disclose a proximate nexus with a constitutionally permissible ground. It must be necessary. It must be proportionate. It must not be vague, excessive or mechanical.

27. The Judgment of the Hon'ble Supreme Court in *Shreya Singhal v. Union of India*, is a constitutional lighthouse in matters concerning online speech. The Hon'ble Supreme Court has clearly held that discussion and advocacy, even of unpopular or disagreeable causes, remain protected under Article 19(1)(a), and that State interference becomes constitutionally permissible only when such discussion or advocacy reaches the level of incitement.

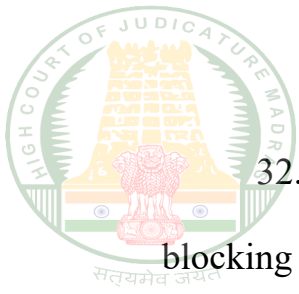
28. The distinction between discussion, advocacy and incitement is not a matter of verbal refinement. It is a constitutional safeguard. Discussion is the soul of democracy. Advocacy is the instrument of public persuasion. Incitement alone crosses the constitutional boundary. Unless the impugned content is shown to have a direct and proximate tendency to incite violence, public disorder or an offence falling within Article 19(2), removal or blocking of such content would amount to impermissible censorship.



29. In *Shreya Singhal*, the Hon'ble Supreme Court also cautioned against vague and open-ended restrictions on online speech, recognizing that such restrictions create a chilling effect on free expression. A chilling effect is not always visible. It operates silently. It compels citizens to self-censor. It makes a content creator pause not because the law prohibits speech, but because the consequences of speaking are uncertain, sudden and opaque.

30. The impugned notice, *prima facie*, uses broad expressions such as “provocative political remarks”, “disturbing public tranquillity”, “maintenance of law and order” and “politically sensitive remarks”. Such expressions, without particulars, reasons and post-wise analysis, are constitutionally fragile. Political sensitivity cannot be the measure of constitutional permissibility. A democracy cannot treat criticism as disorder, satire as sedition, dissent as danger or opinion as offence.

31. Section 79 of the Information Technology Act, 2000 deals with exemption from liability of intermediaries in certain cases. Section 79(3)(b) concerns circumstances in which an intermediary may lose the benefit of safe harbour protection upon receiving actual knowledge or being notified by the appropriate Government or its agency that any information, data or communication link residing in or connected to a computer resource controlled by the intermediary is being used to commit an unlawful act.



32. *Prima facie*, Section 79(3)(b) is not an independent reservoir of blocking power. It cannot be converted into a general censorship mechanism.

Where the State seeks to block public access to information through a computer resource, the statutory framework under Section 69A of the Information Technology Act, 2000 and the procedure prescribed thereunder assume constitutional significance. The safeguards under the statute are not decorative formalities. They are the bridge between State power and constitutional liberty.

33. Section 69A contemplates reasons to be recorded in writing. The requirement of reasons is a constitutional discipline. Reasons are the heartbeat of administrative fairness. They demonstrate application of mind. They permit judicial review. They assure the citizen that power has not been exercised arbitrarily.

34. At this stage, the impugned notice does not appear to disclose reasons relatable to each URL. The absence of individualised reasoning assumes greater significance because the notice deals with political speech and public commentary. The more precious the right, the heavier the burden on the State to justify its restriction.

35. The impugned notice also requires compliance within three hours. Such a short timeline, in the absence of disclosed emergency or imminent



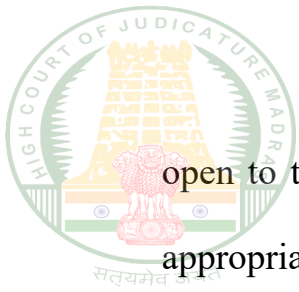
threat, *prima facie* appears disproportionate. Where the State invokes urgency, the urgency must be apparent either from the record or from the reasons.

Otherwise, urgency becomes a cloak for bypassing procedural fairness.

36. The power to block or remove online content is a serious power. It may affect not only the author of the content but also the public's right to receive information. In the digital age, blocking a URL may silence a speaker, erase a viewpoint and impoverish public debate. Therefore, such power must be exercised with precision, restraint and reasons.

37. The petitioner has approached this Court not merely asserting an individual injury but invoking a broader constitutional concern that blanket blocking directions may chill lawful political criticism and democratic discussion. At this interlocutory stage, we are satisfied that the petitioner has raised substantial constitutional questions requiring consideration.

38. The balance of convenience also tilts in favour of preserving the constitutional *status quo*. If the impugned notice is allowed to operate without scrutiny, lawful speech may remain suppressed and the injury to democratic discourse may be immediate and continuing. On the other hand, if any particular post truly falls within the prohibited zone of Article 19(2), it is always



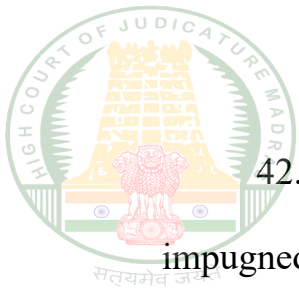
open to the respondents to place specific materials before this Court and seek appropriate orders in accordance with law.

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39. Thus, on a *prima facie* consideration, we find that the impugned notice is bereft of post-wise reasons, does not disclose individualised application of mind, invokes Section 79(3)(b) in a manner requiring deeper judicial scrutiny, and appears to trench upon the safeguards recognized in ***Shreya Singhal v. Union of India***.

40. We make it clear that the observations made herein are only for the purpose of deciding the prayer for interim relief and shall not prejudice the rights of the respondents to file their counter affidavit and place all materials before this Court. If democratic speech is to be restricted, the restriction must walk through the narrow constitutional doorway of Article 19(2), carrying with it the burden of legality, necessity, proportionality and reasons.

41. In the absence of such safeguards, an omnibus blocking direction becomes not merely an administrative act, but a constitutional concern. Silence imposed without reasons is antithetical to the culture of justification that sustains constitutional democracy.



42. In view of the above, there shall be an order of interim stay of the impugned notice dated 08.05.2026 bearing C.No.393-16/SP/CCD-I/CB/2026 issued by the fourth respondent, pending further orders.

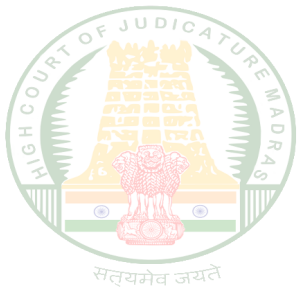
43. The fourth respondent is directed to forthwith issue a communication to X Corp, Safety – Legal Policy, 865 FM 1209, Bldg. 2, Bastrop, TX 78602, seeking to unblock and restore all the URLs mentioned in the impugned notice dated 08.05.2026, pending disposal of the writ petition.

44. It is made clear that this interim order shall not preclude the respondents from taking action in accordance with law against any specific content, if such content independently satisfies the threshold under Article 19(2) of the Constitution of India and the procedure contemplated under the Information Technology Act, 2000 and the relevant Rules is duly followed with recorded reasons and application of mind.

45. The learned Additional Public Prosecutor is directed to file a detailed counter affidavit, specifically indicating:-

(i) the statutory source of power invoked for the impugned notice;

(ii) the individual reasons for directing removal/blocking of each URL;



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(iii) the manner in which each URL allegedly falls within the permissible restrictions under Article 19(2) of the Constitution of India;

(iv) whether the procedure contemplated under Section 69A of the Information Technology Act, 2000 and the Rules framed thereunder was followed;

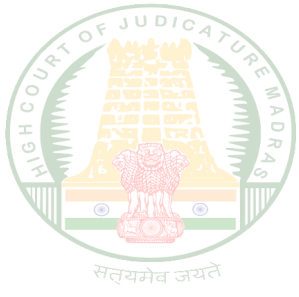
(v) the material basis for directing removal/blocking within three hours; and

(vi) whether any opportunity of hearing or post-decisional review was afforded to the affected users/content creators.

46. List the matter on 08.06.2026 for filing counter.

(L.V.G.,J.) (N.S.,J.)
13-05-2026

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WP.No.19439 of 2



L.VICTORIA GOWRI J.
and
N.SENTHILKUMAR J.

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WP.No.19439 of 2026
and
WMP.Nos.20718 & 20719 of 2026

13-05-2026