



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 24TH DAY OF AUGUST, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 104096 OF 2026 (GM-POLICE)

BETWEEN:

CHANDRAKANT SHANKAR VADDAR,
AGE: 54 YEARS, OCC: COOLIE,
R/O. VADAR GALLI, AKKOL, TQ: NIPPANI,
DIST: BELAGAVI-591211.

... PETITIONER

(BY SRI V.S. TELI, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED PRINCIPAL SECRETARY,
DEPARTMENT OF HOME, VIDHAN SOUDHA,
BENGALURU 560001.
2. UNDER SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, LAW AND ORDER,
VIDHANA SOUDHA, BENGALURU-560001.
3. THE SUPERINTENDENT OF POLICE,
BELAGAVI DISTRICT & SPECIAL EXECUTIVE
MAGISTRATE, BELAGAVI,
SP OFFICE, BELAGAVI-590001.
4. THE DEPUTY SUPERINTENDENT OF POLICE,
CHIKODI, DY SP OFFICE, CHIKKODI,
DIST: BELAGAVI-591201.



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5. THE CIRCLE POLICE INSPECTOR,
NIPPANI, CPI OFFICE, NIPPANI,
DIST: BELAGAVI-591237.
6. THE POLICE SUB INSPECTOR,
NIPPANI, RURAL POLICE STATION,
NIPPANI, DIST: BELAGAVI-591237.

... RESPONDENTS

(BY SRI SHARAD V. MAGADUM, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLE 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO DIRECT THE RESPONDENTS TO PRODUCE THE NOTIFICATION/ CIRCULAR/ ORDER BEARING NO. HD 520 SST 2025 DATED 18.11.2025 ISSUED BY THE RESPONDENT NO.2 AND TO CALL FOR THE RECORDS IN MAG/GA.PA/11/BELAGAVI-DISTRICT/2026 ON THE FILE OF RESPONDENT NO.3 AND ETC.,

THIS PETITION, COMING ON FOR PRELIMINARY HEARING IN B'GROUP, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:

ORAL ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

1. The captioned writ petition is filed calling in question the notification issued by respondent No.2 conferring jurisdiction upon the Superintendent of Police to exercise powers under Section 55 of the Karnataka Police Act, 1963 (for short, "the Act, 1963"). Consequently, the petitioner seeks a declaration that the impugned notification dated 18.11.2025 is *non-est* and, consequently, seeks



quashing of the order of externment dated 28.04.2026 passed by respondent No.3, vide Annexure-E.

2. Learned counsel on record, namely, Shri Vitthal S. Teli, Shri Mallikarjunaswamy B. Hiremath, Shri Ram P. Ghorpade, Shri Anand R. Kolli and Shri Amruth V. Jois, appearing in the connected matters, have also addressed their arguments. The principal contention advanced in all these matters is that the Superintendent of Police lacks jurisdiction to exercise powers under Section 55 of the Act, 1963.

3. Before examining the competence of the Superintendent of Police to invoke Section 55 of the Act, 1963, it would be appropriate to first ascertain the legislative intent underlying the incorporation of the said provision. Section 55 of the Act, 1963, reads as under:

"55. Removal of persons about to commit offences.-

Whenever it shall appear in the City of Bangalore and other areas for which a Commissioner



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has been appointed under section 7 to the Commissioner, and in other area or areas to which the Government may, by notification in the official Gazette, extend the provision of this section, to the District Magistrate, or the Sub-Divisional Magistrate having jurisdiction and specially empowered by the Government in that behalf,-

- (a) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property, or
- (b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the Indian Penal Code, or in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property, or
- (c) that an outbreak of epidemic disease is likely to result from the continued residence of an immigrant, the said officer may, by an order in writing duly served on him, or by beat of drum



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or otherwise as he thinks fit, direct such person or immigrant so to conduct himself as shall seem necessary in order to prevent violence and alarm or the outbreak or spread of such disease or to remove himself outside the area within the local limits of his jurisdiction or such area and any district or districts or any part thereof contiguous thereto by such route and within such time as the said officer may specify and not to enter, or return to the said place from which he was directed to remove himself."

(emphasis supplied)

4. A plain reading of the provision extracted supra makes the legislative scheme abundantly clear. The legislature, in its wisdom, has specifically identified the authorities competent to exercise jurisdiction under Section 55 of the Act, 1963. Within the City of Bangalore and other areas for which a Commissioner has been appointed under Section 7 of the Act, 1963, the power is vested in the Commissioner. In other areas, the power may be extended by the Government, by notification in the Official Gazette,



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only to the District Magistrate or the Sub-Divisional Magistrate having jurisdiction and specially empowered by the Government in that behalf.

5. It would also be apposite to extract Section 56 of the Act, 1963, which reads as under:

"56. Removal of persons convicted of certain offences: If a person has been convicted at any time either before or after the commencement of this Act,—

(a) of an offence under Chapter XII, XVI or XVII of the Indian Penal Code (Central Act 45 of 1860); or

(b) of an offence under section 6 of 13 of the Mysore Mines Act, 1906 (Mysore Act 4 of 1906); or

(c) of an offence under section 86 of the Karnataka Forest Act, 1963 (Karnataka Act 5 of 1964); or

(d) twice of an offence under section 19 of the Mysore Prohibition of Beggary Act, 1944 (Mysore Act 33 of 1944) or any other corresponding law in force in any area of the State; or



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(e) twice of an offence under the Suppression of Immoral Traffic in Women and Girls Act, 1956 (Central Act 104 of 1956); or

(f) twice of an offence under the Untouchability (Offences) Act, 1955 (Central Act 22 of 1955); or

(g) thrice of an offence within a period of three years under section 78, 79 or 80 of this Act; or

(h) thrice of an offence within a period of three years under sections 32, 34, 37 or 38A of the Karnataka Excise Act 1965, (Karnataka Act 21 of 1966),

the Commissioner, the District Magistrate, or any Sub-divisional Magistrate specially empowered by the Government in this behalf, if he has reason to believe that such person is likely again to engage himself in the commission of an offence similar to that for which he was convicted, may direct such person to remove himself outside the area within the local limits of his jurisdiction or such area or any district or districts or any part thereof contiguous thereto, by such route and within such time as the said officer may specify and not to enter or return to the place from which he was directed to remove himself.



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Explanation.—For the purpose of this section "an offence similar to that for which a person was convicted" shall mean,—

(i) in the case of a person convicted of an offence mentioned in clause (a), an offence falling under any of the Chapters of the Indian Penal Code mentioned in that clause; and

(ii) in the case of person convicted of an offence mentioned in clauses (e) and (f), an offence falling under the provisions of the Acts mentioned respectively in the said clauses."

(emphasis supplied)

6. A conjoint reading of Sections 55 and 56 of the Act, 1963, leaves no manner of doubt that the power contemplated under the said provisions can be exercised only by the authorities expressly identified therein. Section 55 further contemplates that, in areas other than those falling within the jurisdiction of a Commissioner appointed under Section 7, the power may be extended by the Government only by issuing a notification in the Official Gazette to the District Magistrate or the Sub-Divisional



Magistrate having jurisdiction and specially empowered in that behalf. Thus, the statutory scheme itself identifies the permissible authorities and the manner in which the power can be extended.

7. Learned Additional Government Advocate, Shri Sharad V. Magadum, has sought to sustain the conferment of powers upon the Superintendent of Police under Sections 55 and 56 of the Act, 1963, relying upon the notification dated 18.11.2025, which has been produced before this Court. The said notification consists of two parts. The first part purports to exercise powers under Section 15 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS, 2023"), while the second part purports to appoint Additional District Magistrates and Special Executive Magistrates and, consequentially, to confer upon the Superintendent of Police powers under various provisions of the Act, 1963, including Sections 55 and 56.



8. The first and foremost impediment to sustaining the said notification is that it does not satisfy the express statutory requirement contained in Section 55 of the Act, 1963. The provision mandates that, in areas other than those where a Commissioner has been appointed, the extension of the power is to be made by notification in the Official Gazette. On a specific query from the Court, learned Additional Government Advocate fairly submitted that the notification dated 18.11.2025 has not been published in the Official Gazette.

9. It is a settled principle that a statutory notification which is required by the parent enactment to be published in the Official Gazette acquires legal efficacy only upon such publication. The notification cannot be treated as operative in a fragmented or incomplete manner. Publication in the Official Gazette is not an empty formality where the statute expressly prescribes it as a condition for the exercise of delegated statutory power.



10. Consequently, in the absence of publication of the notification dated 18.11.2025 in the Official Gazette, the statutory requirement under Section 55 of the Act, 1963, remains unfulfilled. The notification, therefore, cannot confer any jurisdiction upon the Superintendent of Police to exercise powers under Sections 55 and 56 of the Act, 1963. On this ground alone, the exercise of such power by the Superintendent of Police would be without jurisdiction.

11. There is, however, another and more fundamental question which falls for consideration. Assuming that the State were to issue and publish a notification in the Official Gazette purporting to confer powers under Sections 55 and 56 of the Act, 1963, the question would still arise as to whether such a notification could validly designate a Superintendent of Police as the authority competent to exercise those powers. This question requires examination with reference to the express language employed by the legislature in Section 55 of the Act, 1963.



12. The answer, in the considered opinion of this Court, has to be emphatically in the negative. Section 55 of the Act, 1963, does not confer an unrestricted power upon the Government to choose any authority of its choice. The provision specifically identifies the Commissioner as the competent authority in the City of Bangalore and in other areas for which a Commissioner has been appointed under Section 7 of the Act, 1963. In other areas, the Government may, by notification in the Official Gazette, extend the provision only to the District Magistrate or the Sub-Divisional Magistrate having jurisdiction and specially empowered by the Government in that behalf.

13. The statutory classification is, therefore, clear and unambiguous. The Superintendent of Police does not fall within either of the categories expressly contemplated by Section 55 of the Act, 1963. The office or cadre of Superintendent of Police cannot be equated with that of a District Magistrate or a Sub-Divisional Magistrate. The statutory authority identified by the legislature cannot be



substituted by another authority merely by an executive act of delegation.

14. It follows that even a notification published in the Official Gazette cannot cure the inherent lack of statutory competence of the Superintendent of Police. The power to extend the operation of Section 55 is itself circumscribed by the statute.

15. It is a well-settled principle of statutory interpretation that where a statute prescribes the authority, mode, and manner of exercise of power, the executive cannot, by administrative instruction, circular, or notification, confer such power upon an authority not contemplated by the statute. Executive instructions may supplement statutory rules where there is a gap, but they cannot override, amend, or run contrary to the express provisions of the parent statute. This principle has been consistently affirmed by the Hon'ble Supreme Court and various High Courts, including the proposition that statutory



rules and designations cannot be superseded by executive orders.

16. The Hon'ble Supreme Court in ***State of U.P. v. Singhara Singh, AIR 1964 SC 358*** as well as in ***Vijay Singh v. State of U.P., (2001) 9 SCC 363*** has observed that where a statute confers a power and prescribes the manner and the authority by whom it is to be exercised, the same must be exercised only in the manner prescribed and by the authority designated, any departure, including performance by an unauthorised person, renders the act invalid. Further, in ***Sangeeta Suryavanshi v. State of Chhattisgarh AIR 1991 SC 772***, the Hon'ble Apex Court has held that the executive instructions or notifications cannot amend, supersede or run contrary to the express provisions of the parent statute. Applying this to Section 55 of the Karnataka Police Act, 1963, the Superintendent of Police, not being a Commissioner, District Magistrate or Sub-Divisional Magistrate as contemplated by the statute, is



not a competent authority, any order of externment passed by him is without jurisdiction.

17. This conclusion is also fortified by the principle recognised in the decision of the Allahabad High Court in ***Sri KedarNath v. Mool Chand, reported in AIR 1953 All 62***, wherein the expression "District Magistrate" was considered in the context of the statutory authority conferred upon such officer. The statutory description of an authority cannot be enlarged by an executive notification so as to include an officer who does not fall within the statutory class contemplated by the legislature.

18. Tested on the touchstone of the aforesaid statutory scheme, the notification dated 18.11.2025, which is now placed on record by learned Additional Government Advocate, cannot withstand judicial scrutiny. The second part of the notification, insofar as it purports to confer powers under Sections 55 and 56 of the Act, 1963, upon



the Superintendent of Police, is contrary to the express mandate of Section 55 of the Act, 1963.

19. For the foregoing reasons, this Court is of the considered view that the conferment of powers under Sections 55 and 56 of the Act, 1963, upon the Superintendent of Police under the notification dated 18.11.2025 is without jurisdiction and contrary to the express scheme of the Act, 1963. The notification, insofar as it purports to confer such jurisdiction upon the Superintendent of Police, is therefore liable to be declared *non-est* and a nullity. Consequently, all consequential proceedings founded upon such exercise of jurisdiction cannot be sustained.

20. For the aforesaid reasons, this Court proceeds to pass the following:

ORDER

- (i) The writ petition is ***allowed***.



- (ii) The notification dated 18.11.2025 is declared *non-est* and a nullity, insofar as the second part thereof purports to appoint/confer powers upon the Superintendent of Police as the authority competent to exercise powers under the Karnataka Police Act, 1963, including Sections 55 and 56 of Karnataka Police Act, 1963, thereof.
- (iii) Consequently, the order of externment dated 28.04.2026 passed by respondent No.3, vide Annexure-E, is hereby quashed.
- (iv) It is clarified that this order shall not preclude the competent statutory authority from taking such action as may be permissible in law, strictly in accordance with the provisions of the Karnataka Police Act, 1963.

(SACHIN SHANKAR MAGADUM)
JUDGE