



IN THE HIGH COURT OF KARNATAKA AT DHARWAD

DATED THIS THE 9TH DAY OF JUNE, 2026

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO. 104060 OF 2026 (GM-POLICE)

BETWEEN:

SHRI. NEELAKANTH
S/O MUDAKAPPA MANAWADAKAR,
AGE: 26 YEARS, OCC: AGRICULTURE,
R/O. NUGGANATTI-591 119,
TQ. SAVADATTI, DIST. BELAGAVI.

... PETITIONER

(BY SRI. VINAY KUMAR M. SHETTY, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY ITS PRINCIPAL SECRETARY
TO THE DEPARTMENT OF HOME,
VIDHANA SOUDHA, BENGALURU-560 001.
2. THE SUPERINTENDENT OF POLICE
AND SPECIAL EXECUTIVE MAGISTRATE
OF BELAGAVI DISTRICT, BELAGAVI,
DIST. BELAGAVI-590 016.
3. THE POLICE INSPECTOR,
MURGOD POLICE STATION,
MURGOD-591 116,
TQ. SAVADATTI, DIST. BELAGAVI.

... RESPONDENTS

(BY SRI. SHARAD V. MAGADUM, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226
AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO
ISSUE AD-INTERIM DIRECTIONS/ORDERS STAYING THE
OPERATION, IMPLEMENTATION OR EXECUTION OR ANY OTHER
FURTHER PROCEEDINGS PURSUANT TO THE IMPUGNED ORDER





BEARING NO.SUM.M A G/GA.PAA/14/BELAGAVI JILLE/2026
DATED 28.04.2026 PASSED BY THE RESPONDENT NO.2 UNDER
SECTION 55 OF THE KARNATAKA POLICE ACT, 1963 AS PER
ANNEXURE-B AND ETC.,

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

ORAL ORDER

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

Caption petition is filed assailing the order of
externment passed by the competent authority/2nd
respondent under Section 55 of the Karnataka Police
Act, 1963 (for short, 'the Act').

2. Learned counsel appearing for the petitioner,
reiterating the grounds urged in the writ petition,
would vehemently contend that the impugned
externment order dated 28.04.2026 passed by
respondent No.2 is ex-facie illegal and unsustainable
in law, having been passed in gross violation of the
principles of natural justice. Inviting the attention of
this Court to the impugned proceedings, he would



submit that though a show-cause notice was issued calling upon the petitioner to appear before the competent authority, the impugned order itself came to be passed on the very date fixed for the petitioner's appearance. He would therefore contend that the petitioner was effectively denied a reasonable opportunity of placing his defence, filing objections and controverting the allegations levelled against him. The learned counsel would thus argue that the procedure adopted by the competent authority defeats the very purpose of issuance of notice and renders the impugned order vulnerable to judicial review.

3. On a pointed query being made by this Court to the learned Additional Government Advocate as to whether the petitioner was furnished with all the material relied upon by the authorities and whether any meaningful opportunity of hearing was afforded before passing the impugned order, the learned



Additional Government Advocate fairly submitted that though the report forming the basis for initiation of proceedings was furnished to the petitioner, the competent authority proceeded to pass the impugned externment order without awaiting objections from the petitioner and without extending an effective opportunity of hearing.

4. This Court has carefully examined the material placed on record. An order of externment passed under Section 55 of the Act, is undoubtedly a drastic measure having serious civil consequences. The power conferred under Section 55 authorises the competent authority to direct removal of a person from a specified area only upon arriving at the requisite subjective satisfaction contemplated under clauses (a) and (b) of the said provision. Such satisfaction, though subjective, must be founded on objective



material and must be arrived at only after scrupulous adherence to the principles of natural justice.

5. Since an order of externment directly impinges upon the personal liberty and freedom of movement of an individual, the procedural safeguards embedded in the statute cannot be treated as empty formalities. The competent authority is under a legal obligation to furnish the material sought to be relied upon, grant reasonable time to the proposed externee to submit his explanation, consider the objections so filed and thereafter afford an effective opportunity of hearing before arriving at a conclusion. Compliance with these safeguards is indispensable, particularly having regard to the severe consequences flowing from an order of externment.

6. In the present case, the records prima facie disclose that though proceedings were initiated and



notice was issued to the petitioner, the second respondent proceeded to pass the impugned order on the very date fixed for appearance of the petitioner. The material on record does not indicate that the petitioner was granted sufficient opportunity to submit his objections or to effectively meet the allegations contained in the report and the show-cause notice. The haste with which the impugned order has been passed clearly demonstrates failure to adhere to the minimum requirements of procedural fairness.

7. This Court is therefore of the considered view that the decision-making process having been vitiated, the impugned order cannot be sustained. For the foregoing reasons, this court proceeds to pass the following;

ORDER

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



(ii) The impugned order dated 28.04.2026 passed by respondent No.2 vide Annexure-B is hereby quashed and set aside.

(iii) The matter is remitted to respondent No.2 for fresh consideration in accordance with law.

(iv) Respondent No.2 shall afford reasonable opportunity to the petitioner to file his objections, produce relevant material, and put forth his defence in respect of the allegations contained in the report and the show-cause notice.

(v) Thereafter, respondent No.2 shall pass appropriate orders strictly in accordance with law and in conformity with the requirements contemplated under clauses (a) and (b) of Section 55 of the Act.



(vi) Till fresh orders are passed by respondent No.2, no coercive action shall be taken against the petitioner pursuant to the impugned proceedings.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

CKK
CT:BCK
LIST NO.: 1 SL NO.: 42