



IN THE HIGH COURT OF KARNATAKA, AT DHARWAD

DATED THIS THE 7TH DAY OF MAY, 2026

BEFORE

THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

WRIT PETITION NO.103818 OF 2026 (GM-POLICE)

BETWEEN:

DASTAGIRASAB S/O RAJESAB NAVALAGI,
AGE. 51 YEARS, OCC. COOLIE,
R/O KOUJALAGI, TQ. GOKAK,
DIST. BELAGAVI- 591227.

...PETITIONER

(BY SRI SAURABH SONDUR, ADVOCATE FOR PETITIONER)

AND:

1. THE STATE OF KARNATAKA,
REPRESENTED BY HOME SECRETARY,
HOME DEPARTMENT,
VIDHANA SOUDHA, BENGALURU-560001.
2. THE SUPERINTENDENT OF POLICE
AND SPECIAL EXECUTIVE MAGISTRATE,
BELAGAVI DISTRICT,
TQ. AND DIST. BELAGAVI-590001.
3. THE DEPUTY SUPERINTENDENT OF POLICE,
GOKAK SUB DIVISION,
TQ. GOKAK, DIST. BELAGAVI-591218.
4. THE CIRCLE INSPECTOR,
MUDALAGI CIRCLE,
TQ. GOKAK, DIST. BELAGAVI-591218.
5. THE POLICE SUB INSPECTOR,
KULGOD POLICE STATION,
TQ. MUDALAGI, DIST. BELAGAVI-591301.

...RESPONDENTS

(BY SMT.NANDINI B. SOMAPUR, AGA FOR RESPONDENTS)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ISSUE A WRIT IN THE NATURE OF CERTIORARI QUASHING THE IMPUGNED ORDER BEARING NO.MAG/GA.PAA./05/BELAGAVI DISTRICT/2026 DATED 13.04.2026 PASSED BY RESPONDENT NO.2 VIDE ANNEXURE-C, IN THE INTEREST OF JUSTICE AND EQUITY & ETC.

THIS WP COMING ON FOR PRELIMINARY HEARING, THIS DAY, ORDER WAS MADE THEREIN AS UNDER:
CORAM: THE HON'BLE MR. JUSTICE RAVI V.HOSMANI

ORAL ORDER

Heard Sri Sourabh A Sondur, learned counsel for petitioner, and Smt.Nandini B. Somapur, learned Additional Government Advocate for respondents.

2. Challenging order of externment passed by respondent no.2 on 13.04.2026, as per Annexure-C, under Section 55 of Karnataka Police Act, 1963 (for short, "K.P. Act"), this writ petition is filed.

3. Principal ground of challenge is violation of principles of natural justice on account of respondents not furnishing a copy of report and material based on which proposal for externment was made.



4. Impugned order is also challenged on ground of absence of any proximate cause for initiation of action and further that no opinion was formed prior to passing impugned order regarding petitioner's presence causing obstruction to witnesses deposing against him, in pending criminal prosecution. On these grounds, learned counsel seeks to allow writ petition.

5. Petition is opposed. Learned AGA submits that impugned order has been passed after service of notice and providing opportunity of hearing and petitioner has efficacious remedy of appeal under Section 59 of K.P. Act. Accordingly, she seeks dismissal of petition.

6. Heard learned counsel for parties and perused records.

7. At outset, it is seen that prior to passing of impugned order, petitioner was issued notice and had, in fact, appeared before respondent no.2. Thus, he has availed opportunity of hearing.



8. It is also seen that against order at Annexure-B, an appeal is provided under Section 59 of K.P. Act. In case of any grievance against impugned order, petitioner has to exhaust statutory remedies.

9. At this stage, learned counsel for petitioner submits that an appeal would be filed, but seeks interim protection till such time.

10. Submission appears reasonable.

11. Considering facts and circumstances, and taking note of fact that an appeal is provided, writ petition is ***disposed of***, reserving liberty to petitioner to file an appeal under Section 59 of K.P. Act.

12. Subject to filing of appeal within four weeks from today along with an application for interim stay, respondents are directed not to give effect to impugned order till consideration of such interim application in appeal.



13. In case appeal is not filed within four weeks as above, interim arrangement would automatically vacate.

**Sd/-
(RAVI V.HOSMANI)
JUDGE**

MBS
CT:VP
LIST NO.: 1 SL NO.: 17