



IN THE HIGH COURT OF KARNATAKA AT BENGALURU
DATED THIS THE 30TH DAY OF APRIL, 2026
BEFORE
THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM
WRIT PETITION NO. 9324 OF 2026 (GM-POLICE)

BETWEEN:

1. SRI. MAHESH SHETTY THIMARODI
A/A 58 YEARS,
S/O VITTALA SHETTY,
R/AT THIMARODI HOUSE,
UJIRE VILLAGE, BELTHANGADY TALUK,
DAKSHINA KANNADA - 574 240.

...PETITIONER

(BY SRI. BALAKRISHNA M R, ADVOCATE)

AND:

1. THE STATE OF KARNATAKA
REP., BY SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA,
BENGALURU - 560 001.
2. THE ASSISTANT COMMISSIONER
CUM SUB-DIVISIONAL MAGISTRATE,
PUTTUR SUB-DIVISION, PUTTUR,
DAKSHINA KANNADA - 574 201.
3. THE DEPUTY SUPERINTENDENT
OF POLICE, BANTWAL SUB-DIVISION,
DAKSHINA KANNADA - 574 211.
4. THE POLICE SUB-INSPECTOR,
BELTHAGADY POLICE STATION,

Digitally
signed by
CHAITHRA A
Location:
HIGH COURT
OF
KARNATAKA



BELTHANGADY,
DAKSHINA KANNADA - 574 214.

...RESPONDENTS

(BY SRI. K.P. YOGANNA, AGA FOR R1;
SRI. K. SHASHIKIRAN SHETTY, ADVOCATE
GENERAL FOR R2 TO R4)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE A WRIT OF CERTIORARI QUASHING THE ORDER DATED 13.03.2026 PASSED BY THE 2ND RESPONDENT MADE IN ADS, MAGR(GADIPARU)/18/2025-26 VIDE ANNEXURE-A, IN THE INTEREST OF JUSTICE AND EQUITY AND ETC.,

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The captioned writ petition is filed calling in question the legality and correctness of the order dated 13.03.2026 passed by the respondent No.2/Assistant Commissioner and Sub-Divisional Magistrate, Puttur Sub-Division, Dakshina Kannada District, whereby the petitioner is externed for a period of six months in exercise of powers under Section 55(a) of the Karnataka Police Act, 1963 (for short 'the Act').



2. The factual backdrop leading to the present petition would reveal a chequered history of externment proceedings initiated against the petitioner. Initially, an order of externment came to be passed against the petitioner for a period of one year i.e., from 18.09.2025 to 17.09.2026. The said order was assailed before this Court in W.P. No.30021/2025, which came to be allowed by order dated 17.11.2025, with a direction to the competent authority to reconsider the matter and pass a reasoned order strictly in accordance with law.

3. Pursuant thereto, the competent authority passed a second externment order dated 16.12.2025, externing the petitioner for a period of nine months under Section 55(a) of the Act. The said order was again subjected to challenge in W.P.No.89/2026, wherein this Court, by order dated 31.01.2026, set aside the externment order and remitted the matter for fresh consideration with a specific direction to consider the objections filed by the petitioner.



4. It is in furtherance of the said remand that the impugned order dated 13.03.2026 has been passed, which is now called in question in the present writ petition.

5. Learned counsel appearing for the petitioner would vehemently contend that the impugned order is vitiated by arbitrariness and non-application of mind. Elaborating the submissions, it is contended that the externment proceedings are founded on a report indicating involvement of the petitioner in 21 criminal cases spanning from the year 1992 onwards. It is pointed out that out of the said cases, 13 cases have culminated in acquittal, 2 cases have ended in 'B' report, 1 case has resulted in imposition of a nominal fine of Rs.50/-, 2 cases are pending trial, and 3 cases are under investigation.

6. It is further contended that the acquittals have attained finality as the State has not preferred any appeal against the same. The learned counsel would also submit that after remand by this Court, the authority has relied



upon five additional cases, which, according to the petitioner, could not have been taken into consideration while continuing the earlier proceedings, thereby vitiating the decision-making process.

7. It is also urged that the petitioner is actively associated with a public movement styled as "Justice for Soujanya Movement" and the externment proceedings are actuated by mala fide intention to silence the petitioner. It is contended that the essential ingredients of Section 55(a) are not satisfied, inasmuch as there is no material to demonstrate that the petitioner's presence is prejudicial to the maintenance of public order or safety.

8. Per contra, the respondents have stoutly resisted the petition by placing reliance on a catena of judgments governing the field of externment jurisprudence, to contend that the impugned order does not warrant interference under Article 226 of the Constitution of India. Placing reliance on the Co-ordinate



Bench judgment in ***Javeed v. State of Karnataka***¹, learned Advocate General urged that once a show cause notice is issued indicating the general nature of allegations and the proposed externee appears before the competent authority, submits his objections, and participates in the enquiry, the requirement of compliance with principles of natural justice, as contemplated under Section 58 of the Karnataka Police Act, 1963, stands duly satisfied. It is further contended that an order passed thereafter on consideration of the material available on record is amenable to a statutory appeal under Section 59 of the Act and therefore, the writ petition is not maintainable in the absence of exceptional circumstances.

9. The learned Advocate General has further drawn support from the authoritative pronouncements of the Hon'ble Apex Court in ***State of Maharashtra v. Salem Hassan Khan***² and ***Pandharinath Shridhar***

¹ W.P.No.28910 of 2025

² (1989) 2 SCC 316



Rangnekar v. Dy. Commissioner of Police³, to emphasize that in proceedings of externment, the person proceeded against is not entitled to a detailed disclosure of specific particulars or evidence, but only to the general nature of allegations, having regard to the preventive and confidential character of such proceedings, particularly where disclosure of specifics may deter witnesses from coming forward due to apprehension. It is thus contended that the procedural safeguards in externment proceedings are of a limited and pragmatic nature, distinct from a full-fledged criminal trial.

10. Further reliance is placed on the judgment of the Hon'ble Apex Court in ***Gazi Saddudin v. State of Maharashtra⁴***, wherein it is categorically held that the scope of judicial review in matters of externment is extremely circumscribed and that Courts can interfere only when the order is shown to be demonstrably perverse, arbitrary, or based on no material whatsoever. The

³ (1973) 1 SCC 372

⁴ (2003) 7 SCC 330



respondents would therefore contend that this Court, while exercising jurisdiction under Article 226, does not sit as an appellate authority to reappreciate the sufficiency or adequacy of material, but is confined to examining the decision-making process.

11. Before advertng to the merits, it would be apposite for this Court to extract the relevant findings relating to procedural fairness. Same reads as under:

"4. A perusal at the impugned order of the subject petition would clearly indicate that non-application of mind for the reason that all the crimes that are found in the show cause notice are replicated in the impugned order without considering the objections filed by the petitioner. The objections were to the score that most of the crimes that are indicated in the order have all ended in acquittal or otherwise. Therefore, these factors ought to have been considered as directed by the Co-ordinate Bench. In the light of the order projecting non-application of mind, the inevitable conclusion that can be arrived at now at this juncture in this petition is the matter being remitted back to the hands of the concerned authority, who has now passed the impugned order, to pass orders in strict consonance with what the Co-ordinate



Bench held, which would reflect application of point and reasons rendered thereon.

5. For the aforesaid reasons, the following:

ORDER

(i) Writ petition is allowed.

(ii) The order impugned shall stand obliterated again for the limited purpose of the Assistant Commissioner/respondent No.2 to pass necessary orders in accordance with law, bearing in mind the observations made in the course of the order, which would reflect application of mind.

(iii) In the light of the matter being remitted to the hands of the Assistant Commissioner only to pass an order on considering the objections filed by the petitioner, hearing the petitioner all over again would not be required. Therefore, the order shall be passed within 3 weeks from the date of receipt of the copy of the order, if not earlier.

Ordered accordingly."

12. On a careful and anxious consideration of the rival submissions and the material on record, this Court finds that the proceedings, post remand, have been



conducted strictly in consonance with the statutory mandate. Records unmistakably demonstrate that the petitioner was served with show cause notice. He has appeared before the authority. He has filed detailed objections. He has been heard at length and the authority has considered the objections and passed a reasoned order. The impugned order also records that the petitioner, upon being afforded opportunity, has not sought to produce any further material in support of his defence. This clearly indicates that the requirement under Section 58 has been duly complied with.

13. The law governing interference in externment matters is no longer *res integra*. The Hon'ble Apex Court in catena of judgments has consistently held that Judicial review in externment matters is limited in scope. The Court does not sit in appeal over subjective satisfaction of the authority and interference is warranted only when the order is perverse, arbitrary, or based on no material.



14. In the present case, this Court does not find that the impugned order suffers from such infirmities warranting interference. A significant aspect that weighs with this Court is the availability of an efficacious alternative remedy under Section 59 of the Act.

15. It is trite that when a statutory remedy is available, the writ jurisdiction under Article 226 ought not to be invoked, except in exceptional circumstances such as violation of principles of natural justice, lack of jurisdiction, or manifest arbitrariness. In the case on hand, none of these exceptional grounds are made out.

16. This Court deems it appropriate to observe that repeated invocation of writ jurisdiction, despite availability of statutory remedies, tends to undermine the legislative scheme and burdens constitutional courts. The extraordinary jurisdiction under Article 226 is to be exercised sparingly, in cases where gross injustice or patent illegality is demonstrated.



17. In light of the discussion supra, this Court is of the view that the impugned order is passed after due compliance with statutory procedure and the petitioner has been afforded full opportunity of hearing. The order cannot be said to be devoid of material or perverse and the petitioner has an efficacious alternative remedy of appeal. Therefore, this Court is of the considered opinion that the petitioner has not made out a case for interference under Article 226 of the Constitution of India.

18. For the foregoing reasons, this Court proceeds to pass the following:

ORDER

(i) The writ petition is disposed of, reserving liberty to the petitioner to avail the statutory remedy of appeal under Section 59 of the Karnataka Police Act, 1963.

(ii) All contentions of the parties are kept open to be urged before the Appellate Authority.



(iii) The Appellate Authority shall consider the appeal, if filed, expeditiously and in accordance with law.

(iv) The interim order granted by this Court shall remain in force for a period of two (2) weeks from the date of receipt of a copy of this order.

Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE

CA
List No.: 1 SI No.: 9