



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.14080 OF 2026 (GM-POLICE)

BETWEEN:

IMRAN PASHA @ KAALU
S/O ABDUL NAZEER
AGED ABOUT 32 YEARS
R/AT STEEL BUSINESS
VENKATARAMANNA SWAMY BIDI
WARD NO 13, VIJAYAPURA TOWN
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT -586101

...PETITIONER

(BY SRI.HEMANTH KUMAR G M, ADVOCATE)

AND:

Digitally signed
by NAGARAJA
B M

Location: HIGH
COURT OF
KARNATAKA

1. STATE OF KARNATAKA
DEPARTMENT OF HOME AND AFFAIRS
VIDHANA SOUDA
BENGALURU-560001
REPRESENTED BY SECRETARY
2. THE ASSISTANT COMMISSIONER
DODDABALLAPUR SUB-DIVISION
DODDABALLAPUR-561203
3. THE SUPERINTENDENT OF POLICE
BENGALURU RURAL DISTRICT
BENGALURU-560001



4. THE DEPUTY SUPERINTENDENT OF POLICE
DODDABALLAPUR SUB-DIVISION
DODDABALLAPUR
BENGALURU RURAL DISTRICT-561203
5. POLICE INSPECTOR
VIJAYAPURA POLICE STATION
DEVANAHALLI TALUK
BENGALURU RURAL DISTRICT-586101

...RESPONDENTS

(BY SRI.ADITHYA DIWAKAR, AGA)

THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER DATED 12/03/2026 VIDE BEARING NO.M.A.G.S.R.06/2025 PASSED BY THE R2 AS PER ANNEXURE-A AND ETC.

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

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

ORAL ORDER

The petitioner is assailing the impugned Externment Order dated 12.03.2026 passed by respondent No.2 as per Annexure-A.

2. Heard learned counsel appearing for the petitioner and learned AGA. Perused the records.



3. The short question that arises for consideration is:

"Whether the proceedings initiated under Section 55 of the Karnataka Police Act, 1963 (for short, "the Act") are vitiated on account of the Competent Authority having failed to specify the particular sub-clause under which action is proposed, and thereby depriving the petitioner of a meaningful opportunity to meet the case against him?"

Findings on the above point:-

4. Section 55 of the Act confers a drastic and extraordinary power upon the Competent Authority to extern a citizen from a specified area. Such power, by its very nature, directly impinges upon the fundamental right to movement and residence and, therefore, its invocation must strictly conform to the statutory safeguards embedded in the provision. The Authority is required to form an opinion based on tangible material that the case falls either under sub-clause (a) or sub-clause (b) of Section 55 of the Act. The ingredients of the said sub-clauses are distinct and the formation of opinion must be



traceable to the specific requirements of the clause invoked. It is thus incumbent upon the Authority, at the very threshold, to clearly indicate whether proceedings are initiated under sub-clause (a) or sub-clause (b) of Section 55 of the Act, so as to put the proposed externee on precise notice of the allegations.

5. The requirement of issuing notice under Section 58 of the Act is not an empty formality. The notice must disclose not only the provision under which action is contemplated but also the foundational facts and incriminating materials which, according to the Authority, attract the ingredients of the relevant sub-clause of Section 55 of the Act. Only upon such disclosure would the person concerned be in a position to effectively respond, rebut the allegations, and demonstrate that the material on record does not satisfy the statutory requirements of either sub-clause (a) or sub-clause (b) of Section 55 of the Act. In the absence of such particulars, the opportunity of



hearing becomes illusory and the proceedings stand vitiated for violation of principles of natural justice.

6. The *sine qua non* for invoking the power under Section 55 of the Act is the existence of material satisfying the specific ingredients of either sub-clause (a) or sub-clause (b) of the said provision. The formation of such satisfaction cannot be vague or omnibus. It is incumbent upon the Competent Authority to clearly spell out, with reference to the material on record, as to how the acts attributed to the proposed examinee squarely fall within the parameters of the particular sub-clause invoked. The distinction between sub-clause (a) and sub-clause (b) of Section 55 of the Act is not merely formal, but goes to the root of the jurisdiction exercised by the Authority but goes to the root of the jurisdiction exercised by the Authority. Therefore, the notice and the consequent order must disclose, in clear and unambiguous terms, the precise allegations, the nature of activities complained of, and the



material relied upon, so as to bring the case within the four corners of the specific sub-clause.

7. It is only upon such disclosure that the person sought to be externed would be in a position to effectively exercise his right of defence. The furnishing of particulars is not an empty ritual, but a substantive safeguard. The proposed externee must be put on notice of the exact case he has to meet, so that he can offer an explanation, controvert the allegations, and demonstrate that the materials relied upon do not satisfy the statutory requirements of either sub-clause (a) or sub-clause (b) of Section 55 of the Act. In the absence of such foundational facts, the opportunity of hearing contemplated under the Act is rendered illusory and meaningless.

8. In the present case on hand, a perusal of the impugned externment order would indicate that the Authority has merely invoked Section 55 of the Act in a bald manner, without specifying whether the action is



referable to sub-clause (a) or sub-clause (b) of Section 55 of the Act. The order does not disclose the incriminating material nor does it indicate as to how the petitioner's alleged conduct attracts the ingredients of any specific sub-clause. Such a non-speaking and omnibus invocation of power, particularly when it entails serious civil consequences, cannot be countenanced in law. The exercise of power is thus rendered arbitrary and suffers from non-application of mind.

9. Insofar as the contention that the petitioner ought to be relegated to avail the alternative remedy under Section 59 of the Act is concerned, the same does not merit acceptance in the facts of the present case. It is trite that the existence of an alternative remedy is not an absolute bar to the exercise of writ jurisdiction, particularly where the impugned action is *ex facie* without jurisdiction, or where there is a clear violation of principles of natural justice. In the case on hand, the very initiation of proceedings stands vitiated for want of compliance with



the mandatory procedural safeguards, inasmuch as the petitioner was not put on notice of the specific sub-clause invoked nor furnished with the foundational material.

10. When the defect goes to the root of the matter and strikes at the very validity of the proceedings, relegating the petitioner to avail the appellate remedy under Section 59 would amount to compelling him to pursue a remedy against an order which is inherently void and unsustainable. The appellate authority, in such circumstances, would also be handicapped in examining the legality of an order passed in breach of fundamental procedural requirements. Therefore, this Court is of the considered view that the writ petition is maintainable and the petitioner cannot be non-suited on the ground of availability of an alternative remedy.

11. Accordingly, this Court holds that the impugned externment order, having been passed in contravention of the mandatory requirements of Section 55 of the Act and



in violation of principles of natural justice, is liable to be set aside. Accordingly, point for consideration is answered in the '**Affirmative**'.

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

ORDER

(i) The writ petition is allowed.

(ii) The impugned externment order dated 12.03.2026 passed by respondent No.2 as per Annexure-A is hereby quashed.

(iii) Liberty is reserved to respondent No.2 to initiate proceedings afresh, strictly in accordance with law, by clearly specifying the applicable sub-clause under Section 55 of the Act, issuing a proper notice under Section 58 of the Act, furnishing all relevant materials to the petitioner, and thereafter passing appropriate orders after affording a reasonable opportunity of hearing.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**