



CNR: KAHC010649052026

NC: 2026:KHC:51458
WP No. 29568 of 2026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 19TH DAY OF SEPTEMBER, 2026

BEFORE

THE HON'BLE MRS. JUSTICE K.S. HEMALEKHA

WRIT PETITION NO.29568 OF 2026 (GM-POLICE)

BETWEEN:

BHARATH JAYARAMA
AGED ABOUT 34 YEARS
S/O JAYARAMA DAS
2-165-1, MOODBITHRI, VARAMBALLI,
BRAHMAVARA TALUK,
UDUPI – 576 213.

...PETITIONER

(BY SMT. URMILA PULLAT, ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY THE SECRETARY
DEPARTMENT OF HOME,
VIDHANA SOUDHA
BANGALORE – 01.
2. THE SPECIAL EXECUTIVE MAGISTRATE
THE SUPERINTENDENT OF POLICE,
BANANAJE, UDUPI – 576 101.
3. THE SUB-INSPECTOR OF POLICE
KOTA PS
GILIYARU VILLAGE,
KOTA POST,
UDUPI TALUK – 576221.

...RESPONDENTS

(BY SRI. HARISHA A.S., ADDL. GOVERNMENT ADVOCATE)



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THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO CALL FOR RECORDS; SET ASIDE THE IMPUGNED ORDER DATED 10.09.2026 IN APPEAL CASE NO. HD 118 KAA 2026 (ANNEXURE-A) PASSED BY THE RESPONDENT NO.1; ISSUE A WRIT OF CERTIORARI AND QUASH THE IMPUGNED EXTERNMENT ORDER NO MAG SR 22/2026 DATED 14.05.2026 (ANNEXURE-B) PASSED BY THE RESPONDENT 2 – SPECIAL EXECUTIVE MAGISTRATE SUPERINTENDENT OF POLICE, UDUPI.

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

CORAM: HON'BLE MRS. JUSTICE K.S. HEMALEKHA

ORAL ORDER

1. The learned Additional Government Advocate accepts notice for the respondents.
2. The petitioner impugns the order dated 14.05.2026 passed by respondent No.2-Special Executive Magistrate/Superintendent of Police [**the SP**] and the order dated 10.09.2026 passed by respondent No.1- Additional Chief Secretary to Government, Home Department, in Appeal Case No.HD 118 KAA 2026 confirming the order of externment.

Brief facts

3. An First Information Report [**FIR**] in Crime No.92/2025 was registered by the Kota Police Station against three accused



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persons, including the petitioner [arrayed as accused No.2] for the offences punishable under Section 112 of the Bharatiya Nyaya Sanhita, 2023 [**the BNS, 2023**] and Section 78 of the Karnataka Police Act, 1963 [**the KP Act**], alleging that they were carrying out public cricket betting activities through an online cricket betting app. On 23.05.2025, another FIR in Crime No.62/2025 was registered by Kundapura Police Station against three accused persons, including the petitioner [arrayed as accused No.3] for the offences punishable under Section 112 of the BNS, 2023 and Section 78 of the KP Act, in respect of similar offences.

4. A Government notification was issued in exercise of the powers conferred under Section 15 of the Bharatiya Nagarika Suraksha Sanhita, 2023 [**the BNSS, 2023**], appointing Additional Districts Magistrates and Special Executive Magistrates and consequently, conferring upon respondent No.2-the SP, powers under various provisions of the KP Act, including Sections 55 and 56, by notification dated 18.11.2025. Subsequently, another FIR in Crime No.21/2026 was registered by Kota Police Station against three accused persons, including the petitioner [arrayed as accused No.2] for the offences punishable under Section 112 of the



BNS, 2023 and Section 78(1) and 78(3) of the KP Act and Section 66 of the Information Technology Act, 2000 [**the IT Act**] in respect of similar allegations.

5. Respondent No.3 submitted a requisition to respondent No.2 seeking an order under Section 55 of the KP Act for the externment of the petitioner on the ground of his alleged involvement in illegal betting activities in the District of Udupi. Pursuant thereto, respondent No.2 issued a show cause notice under Section 58 of the KP Act. After affording an opportunity of hearing, respondent No.2 passed the impugned order dated 14.05.2026 under Section 55 of the KP Act, directing the removal of the petitioner from the District of Udupi for the period from 14.05.2026 to 13.11.2026. In implementation of the said order, the petitioner was removed from Udupi and transferred to Kengeri.

Submissions

6. The petitioner approached this Court in W.P.No.15663/2026, seeking to set aside the impugned order of externment. The Co-ordinate Bench of this Court, by order dated 26.05.2026, granted liberty to the petitioner to approach the State, observing that the



petitioner had an effective alternative remedy under Section 59 of the KP Act. In the meanwhile, the impugned order of externment was directed not to be given effect to. The petitioner thereafter preferred an appeal under Section 59 of the KP Act before the Appellate Authority. The Appellate Authority, by order dated 10.09.2026, disposed of the appeal, confirming the order of externment.

7. Learned counsel for the petitioner submits that the original order of externment was passed by respondent No.2 on the basis of the authority purportedly conferred upon him under the notification dated 18.11.2025, whereby, in exercise of the powers conferred under Section 15 of the BNSS, 2023, the State had appointed Police Officers as Special Executive Magistrates. Learned counsel for the petitioner submits that the notification dated 18.11.2025 was the subject of challenge before this Court in W.P.No.104096/2026 and that the Co-ordinate Bench of this Court, sitting at Dharwad Bench, has quashed the said notification and declared it to be *non-est* and a nullity. It is her submission that, in view of the quashing of the notification dated 18.11.2025, the order passed by respondent No.2 is without jurisdiction.



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8. Learned AGA appearing for the respondents does not dispute the fact that notification dated 18.11.2025 has been quashed and fairly submits that respondent No.2 could not have been conferred with jurisdiction in view of the fact that the notification under which respondent No.2 was authorized to pass an order of externment has been quashed.

Reasons and conclusion

9. In exercise of the powers conferred under Section 15 of the BNSS 2023 (Central Act 46 of 2023), the Government appointed the Police Officers as Special Executive Magistrates and conferred upon them the powers of Executive Magistrate under the respective provisions of the BNSS, 2023. The relevant portion of the notification dated 18.11.2025 is extracted hereunder:

"GOVERNMENT OF KARNATAKA

*No. HD 520 SST 2025 Karnataka Government Secretariat
Vidhana Soudha,
Bengaluru, dated: 18-11-2025*

NOTIFICATION

In exercise of powers conferred under section 15 of Bharatiya Nagarika Suraksha Sanhita, 2023 (Central Act 46 of 2023) the Government of Karnataka hereby appoints the police officers listed below as "Special Executive



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Magistrates" and confer them with the powers of an Executive Magistrate under the respective sections of the Bharatiya Nagarika Suraksha Sanhita, 2023 within their respective jurisdiction.

Sl. No.	Officers to whom the powers need to be conferred	Section
1	<i>Inspector General of Police/Deputy Inspector General of Police, Central Range, Bengaluru; Eastern Range, Davanagere; Western Range, Mangaluru; Northern Range, Belagavi; North-Eastern Range, Kalaburgi, Southern Range, Mysuru; Ballari Range, Ballari</i>	163 of BNSS
2	<i>Superintendents of Police and Addl. Superintendents of Police of all the police districts of Karnataka in their respective jurisdiction</i>	126, 127, 128, 129 and 163 of BNSS

This order is issued with immediate effect.

Yours faithfully,

(NAGARAJU S)

*Under Secretary to Government
Home Department, (Law & Order)
Phone No: 080 22033254"*



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10. By a further notification, the Government appointed the following Police Officers as Special Executive Magistrates within their respective territorial jurisdictions. The tabular statement setting out the officers upon whom such powers were conferred is extracted hereunder:

"GOVERNMENT OF KARNATAKA

*No. HD 520 SST 2025 Karnataka Government Secretariat
Vidhana Soudha,
Bengaluru, dated: 18-11-2025*

NOTIFICATION

*In exercise of powers conferred under section 15 of Bharatiya Nagarika Suraksha Sanhita, 2023 (Central Act 46 of 2023) the Government of Karnataka hereby appoints the following Police Officers as the "**Special Executive Magistrates**" within their respective territorial jurisdiction.*

Sl. No.	Name of the Districts	Officers to whom the powers need to be conferred	Jurisdiction Districts
1	Bengaluru Rural	Superintendent of Police	Bengaluru Rural
2	Tumakuru	Superintendent of Police	Tumakuru
3	Kolar	Superintendent of Police	Kolar
4	KGF	Superintendent of Police	KGF



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5	Ramanagara	Superintendent of Police	Ramanagara
6	Chikkaballapura	Superintendent of Police	Chikkaballapura
7	Mysuru	Superintendent of Police	Mysuru
8	Chamarajnagar	Superintendent of Police	Chamarajnagar
9	Hassan	Superintendent of Police	Hassan
10	Kodagu	Superintendent of Police	Kodagu
11	Mandya	Superintendent of Police	Mandya
12	Davanagere	Superintendent of Police	Davanagere
13	Shivamogga	Superintendent of Police	Shivamogga
14	Chitradurga	Superintendent of Police	Chitradurga
15	Haveri	Superintendent of Police	Haveri
16	Dakshina Kannada, Mangaluru	Superintendent of Police	Dakshina Kannada, Mangaluru
17	Uttara Kannada, Karawar	Superintendent of Police	Uttara Kannada, Karawar
18	<u>Udupi</u>	<u>Superintendent of Police</u>	<u>Udupi</u>



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19	Chikmagalur	Superintendent of Police	Chikmagalur
20	Balagavi	Superintendent of Police	Balagavi
21	Gadag	Superintendent of Police	Gadag
22	Dharwad	Superintendent of Police	Dharwad
23	Vijayapura	Superintendent of Police	Vijayapura
24	Bagalakot	Superintendent of Police	Bagalakot
25	Kalaburagi	Superintendent of Police	Kalaburagi
26	Bidar	Superintendent of Police	Bidar
27	Yadagiri	Superintendent of Police	Yadagiri
28	Ballari	Superintendent of Police	Ballari
29	Raichur	Superintendent of Police	Raichur
30	Koppal	Superintendent of Police	Koppal
31	Vijayanagar	Superintendent of Police	Vijayanagar

(Emphasis supplied)



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11. Further, the Government delegated powers under various enactments and provisions to various Additional District Magistrates and Special Executive Magistrates. The relevant portion of the notification is extracted hereunder for ready reference:

“Further, Government is pleased to delegate the following powers under various Acts/Provisions to the following Additional Districts Magistrates & Special Executive Magistrate as mentioned below.

Under Karnataka Police ACT, 1963

<i>Sl. No.</i>	<i>Acts & Section</i>	<i>Officers to whom the powers need to be conferred</i>	<i>Jurisdiction police division</i>	<i>Power delegated under Section</i>
<i>1</i>	<i>Section 31 of KP Act: Powers to make orders for regulation of traffic and for preservation of order in public places etc.,</i>	<i>Superintendent of Police</i>	<i>Entire Police Jurisdiction of SP in the district</i>	<i>11 & 31 of KP Act</i>
<i>2</i>	<i>Section 35 of KP Act: Powers to prohibit, certain acts for prevention of Disorder.</i>	<i>Superintendent of Police</i>	<i>Entire Police Jurisdiction of SP in the district</i>	<i>11 & 35 of KP Act</i>
<i>3</i>	<i>Section 41 of KP Act: To pass orders for discontinuance of use of premises by disorderly persons.</i>	<i>Superintendent of Police</i>	<i>Entire Police Jurisdiction of SP in the district</i>	<i>11 & 41 of KP Act</i>
<i>4</i>	<i>Section 42 of KP Act: To take special</i>	<i>Superintendent of Police</i>	<i>Entire Police Jurisdiction</i>	<i>11 & 42 of KP Act</i>



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	<i>measures to prevent outbreak of epidemic diseases at fair, etc.</i>		<i>of SP in the district</i>	
<u>5</u>	<u>Section 55 of KP Act: Powers of Commissioner/District Magistrate or the Sub Divisional Magistrate to pass orders for removal of persons about to commit offences.</u>	<u>Superintendent of Police</u>	<u>Entire Police Jurisdiction of SP in the district</u>	<u>11 & 55 of KP Act</u>
6	<i>Section 56 of KP Act: Powers of Commissioner, District Magistrate or the Sub Divisional Magistrate specially empowered by the Government in this behalf for passing orders for removal persons convicted of certain offences.</i>	<i>Superintendent of Police</i>	<i>Entire Police Jurisdiction of SP in the district</i>	<i>11 & 56 of KP Act</i>
7	<i>Section 63 of KP Act: Powers of Government or of officers specially empowered to extern.</i>	<i>Superintendent of Police</i>	<i>Entire Police Jurisdiction of SP in the district</i>	<i>11 & 63 of KP Act</i>

This order is issued with immediate effect.

Yours faithfully,

(NAGARAJU S)

*Under Secretary to Government
Home Department, (Law & Order)”*

(Emphasis supplied)



12. The said notification issued by the Government, insofar as it conferred jurisdiction upon the SP to exercise powers under Section 55 of the KP Act, was questioned in W.P.No.104096/2026. The ground urged by the petitioner therein was that the impugned notification dated 18.11.2025 was *non-est*, and a consequential prayer was made for quashing the order of externment dated 28.04.2026, which had been passed by the SP therein. The Co-ordinate Bench of this Court, upon consideration of the provisions of the KP Act, held at paragraph Nos.15 to 17 as under:

“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



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*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."*

13. The Court observed that the conferment of powers under Sections 55 and 56 of the KP Act upon the SP by way of the notification dated 18.11.2025 was without jurisdiction and contrary to the express scheme of the KP Act. Accordingly, the Court held that the notification dated 18.11.2025, insofar as it purported to confer such jurisdiction upon the SP, was liable to be declared *non-est* and a nullity. The operative portion of the said order reads as under:



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“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.”

14. Since the notification dated 18.11.2025 has been declared *non-est* and a nullity, the exercise of powers by respondent No.2 under Section 55 of the KP Act was without jurisdiction and, consequently, the impugned order is liable to be quashed. For the foregoing reasons, this Court pass the following:



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ORDER

- i. The writ petition is ***allowed***.
- ii. The impugned order dated 14.05.2026 passed by respondent No.2 and the order dated 10.09.2026 passed in Appeal Case No.HD 118 KAA 2026 confirming the order of externment are hereby ***quashed***, as the order passed by the Superintendent of Police under Section 55 of the KP Act is without jurisdiction.
- iii. It is needless to state that the impugned orders are quashed only on the ground of want of jurisdiction, and this Court has expressed no opinion on the merits of the case.
- iv. Liberty is reserved to the competent authority to take appropriate action in accordance with law.

Sd/-

JUSTICE K.S. HEMALEKHA

AT
List No.: 1 SI No.: 8