HC-KAR

NC: 2026:KHC:61099
WP No. 28434 of 2026

CNR: KAHC010616472026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 3RD DAY OF NOVEMBER, 2026

BEFORE

THE HON'BLE MR. JUSTICE C.M. POONACHA

WRIT PETITION NO. 28434 OF 2026 (GM-POLICE)

BETWEEN:

SRI. UVEZ @ AVEZ
S/O NAZARULLA,
AGED ABOUT 20 YEARS,
R/AT NO. 199/A, ISLAMPURA,
NELAMANGALA TALUK,
BENGALURU RURAL- 562123.

PETITIONER

(BY SRI. THEJAS W.K., ADVOVCATE FOR
SRI. SUNIL KUMAR S.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REP BY ITS SECRETARY DEPARTMENT OF HOME,
2ND FLOOR, VIDHANA SOUDHA,
BENGALURU 560001.

2. THE ASSISTANT COMMISSIONER AND SUB-DIVISIONAL MAGISTARTE
DODDABALLAPURA SUB-DIVISION
DODDABALLAPURA- 561203.

3. THE SUPERINTENDENT OF POLICE
BENGALURU RURAL DISTRICT,
BENGALURU- 560052.

4. DEPUTY SUPERINTENDENT OF POLICE
NELAMANGALA SUB-DIVISION, VIJAYA VITTALA NAGAR, NELAMANGALA,
KARNATAKA-562123.

5. THE POLICE INSPECTOR,
NELAMANGALA RURAL PS, REP BY SPP,
HIGH COURT BUILDING, BENGALURU-560001.

RESPONDENTS

(BY SRI. HARISHA., AGA)

THIS WP IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE AN MANDAMUS WRIT AGAINST THE EXTERNMENT ORDER DATED 13/08/2026 IN M.A.G.S.R NO.32/2026 PASSED BY THE ASSISTANT COMMISSIONER, DODDABALLAPURA SUB-DIVISION, DODDABALLAPURA, U/S 55(A)(B) OF KARNATAKA POLICE ACT, 1963 WHICH IS PRODUCED AS ANNEXURE-A AND ETC,.

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

CORAM: HON'BLE MR. JUSTICE C.M. POONACHA

ORAL ORDER

The present writ petition is filed seeking for the following reliefs:

> *"A. Issue writ of mandamus against the externment order dated 13.08.2026 passed in MAGSR No.32/2026 passed by the Assistant Commissioner, Doddaballapura Sub-division, Doddaballapura, u/s 55(a)(b) of Karnataka Police Act, 1963 which is produced as Annexure-A;*
>
> *B. Pass such other order(s) as this Hon'ble Court deems fit in the facts and circumstances of the case in the interest of justice."*

2. The petitioner being aggrieved by the impugned order dated 13.08.2026 (Annexure-A to the writ petition)

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passed by respondent No.2 - Assistant Commissioner and Sub-division, Doddaballapura under Section 55(a)(b) of the Karnataka Police Act, 1963[1], has filed the present writ petition.

3. The primary contention urged on behalf of the petitioner is that respondent No.2 is not competent to pass the impugned order dated 13.08.2026.

4. Learned counsel for the petitioner submits that the impugned order dated 13.08.2026 does not stipulate the notification on the basis of which the said order has been issued under Sections 55 and 56 of the Act.

5. In a similar fact situation, a Co-ordinate Bench of this Court case of ***Chandrakant Shankar Vaddar V.s The State of Karnataka and Others***[2] held as under:

> *"7. Learned Additional Government Advocate, Shri Sharad V. Magadum, has sought to sustain the conferment of powers upon the Superintendent of Police under Sections 55 and 56 of the Act, 1963, relying upon the notification dated 18.11.2025, which has been produced before this Court. The said notification consists of two parts. The first part purports to exercise powers under Section 15 of the Bharatiya Nagarik Suraksha Sanhita, 2023 (for short, "BNSS, 2023"), while the second part purports to appoint Additional District Magistrates and Special Executive Magistrates and, consequentially, to confer upon the*

[1] Hereinafter referred as to 'Act'

[2] In WP.No.104096/2026 order dated 24.08.2026 NC:2026:KHC-D:13256

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Superintendent of Police powers under various provisions of the Act, 1963, including Sections 55 and 56.

8. The first and foremost impediment to sustaining the said notification is that it does not satisfy the express statutory requirement contained in Section 55 of the Act, 1963. The provision mandates that, in areas other than those where a Commissioner has been appointed, the extension of the power is to be made by notification in the Official Gazette. On a specific query from the Court, learned Additional Government Advocate fairly submitted that the notification dated 18.11.2025 has not been published in the Official Gazette.

9. It is a settled principle that a statutory notification which is required by the parent enactment to be published in the Official Gazette acquires legal efficacy only upon such publication. The notification cannot be treated as operative in a fragmented or incomplete manner. Publication in the Official Gazette is not an empty formality where the statute expressly prescribes it as a condition for the exercise of delegated statutory power.

10. Consequently, in the absence of publication of the notification dated 18.11.2025 in the Official Gazette, the statutory requirement under Section 55 of the Act, 1963, remains unfulfilled. The notification, therefore, cannot confer any jurisdiction upon the Superintendent of Police to exercise powers under Sections 55 and 56 of the Act, 1963. On this ground alone, the exercise of such power by the Superintendent of Police would be without jurisdiction."

(emphasis supplied)

6. It is not in dispute that no notification has been issued authorizing respondent No.2 to exercise its powers under Sections 55 and 56 of the Act.

7. Accordingly, the relief sought for in the present writ petition is to be granted on the said ground alone.

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8. Hence, the following:

ORDER

i. The writ petition is ***allowed-in-part***;

ii. The impugned order bearing No. M.A.G.S.R No.32/2026 dated 13.08.2026 passed by respondent No.2 - Assistant Commissioner, Sub-division, Doddaballapura (Annexure-A to the writ petition) is hereby quashed;

iii. This order will not preclude the concerned authorities from initiating appropriate proceedings in accordance with law.

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(C.M. POONACHA)
JUDGE

PNV- List No.: 1 Sl No.: 2