HC-KAR
NC: 2026:KHC:61011
WP No. 29370 of 2026
CNR: KAHC010645042026

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 2ND DAY OF NOVEMBER, 2026

BEFORE

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

WRIT PETITION NO. 29370 OF 2026 (GM-POLICE)

BETWEEN:

1. M IBRAHIM
   S/O. M RAFIQ,
   AGED ABOUT 35 YEARS,
   R/AT NOOR MASJID ROAD,
   NEAR NOOR CANTEEN, GOWRIKALUVE,
   CHIKMAGALUR POST,
   CHIKKAMAGALURU - 577101.

…PETITIONER

(BY SRI. SYED ARIF PASHA.,ADVOCATE)

AND:

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

2. THE SPECIAL EXECUTIVE MAGISTRATE
   AND SUPERINTENDENT OF POLICE
   CHIKKAMAGALURU DISTRICT - 577101

3. THE DEPUTY SUPERINTENDENT OF POLICE
   CHIKKAMAGALURU SUB DIVISION
   RATNAGIRI BORE ROAD,
   CHIKKAMAGALURU DISTRICT - 577101

4. THE POLICE CIRCLE INSPECTOR,
BASAVANAHALLI CIRCLE,
RATNAGIRI BORE ROAD,
CHIKKAMAGALURU DISTRICT - 577101

5. THE POLICE SUB-INSPECTOR,
BASAVANAHALLI POLICE STATION,
CHIKKAMAGALURU DISTRICT - 577101

…RESPONDENTS

(BY SRI. HARISHA A S, AGA)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO ISSUE WRIT OR ORDER OR CERTIORARI BY QUASHING THE ORDER DATED 27.08.2026 PASSED BY THE 2ND RESPONDENT BEARING NO. MAG.01/CKM.GADIPARU-04/2026, THEREBY PASSING AN ORDER OF EXTERN THE PETITIONER FROM CHIKKAMAGALURU DISTRICT TO BENGALURU DISTRICT/YESHWANTHPUR JURISDICTION FOR A PERIOD OF 6 MONTHS FROM 27.08.2026 TO 26.02.2027 WHICH IS PRODUCED AT ANNEXURE-A, AT ABOVE AND ALL FURTHER PROCEEDINGS THERETO, IN THE INTEREST OF JUSTICE.

THIS PETITION, COMING ON FOR ORDERS, 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) To call for records.*

(b) Issue writ or order or certiorari by quashing the order dated 27.08.2026 passed by the 2nd respondent bearing

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No. MAG.01/CKM.GADIPARU-04/2026, thereby passing an order of Extern the petitioner from Chikkamagaluru District to Bengaluru District/Yeshwanthpur jurisdiction for a period of 6 months from 27.08.2026 to 26.02.2027 which is produced at Annexure-'A', at above and all further proceedings thereto, in the interest of justice.

(c) Issue writ or order or direction to the respondents as further relief as deems fit in the circumstances of the case, in the interest of justice and equity."

2. The petitioner assails the impugned order dated 27.08.2026 primarily on the ground that respondent No.2- the Special Executive Magistrate and Superintendent of Police did not have the jurisdiction to issue the said order dated 27.08.2026 (Annexure -A to the writ petition). Reliance is placed on a Co-ordinate Bench judgment of this Court in the case of ***Chandrakant Shankar Vaddar V/s State of Karnataka***[1]. Relevant portion of the said order reads as under:

"6. A conjoint reading of Sections 55 and 56 of the Act, 1963, leaves no manner of doubt that the power contemplated under the said provisions can be exercised only by the authorities expressly identified therein. Section 55 further contemplates that, in areas other than those falling within the jurisdiction of a Commissioner appointed under Section 7, the power may be extended by the Government only by issuing a notification in the

[1] In Writ petition No.104096/2026 - 24.8.2026.

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Official Gazette to the District Magistrate or the Sub-Divisional Magistrate having jurisdiction and specially empowered in that behalf. Thus, the statutory scheme itself identifies the permissible authorities and the manner in which the power can be extended.

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 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.

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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."

3. Learned AGA upon instructions submits that subsequent to passing of the impugned order dated 27.08.2026, the State has issued a notification dated 17.10.2026 whereunder officers have been specified under Sections 55 and 56 of the Karnataka Police Act, 1963.

4. It is clear from the legal position as enunciated by this Court in the case of ***Chandrakant Shankar Vaddar***[1] that respondent No.2 is not empowered to issue the impugned order. Hence, the relief sought for in the present petition merits consideration.

5. Accordingly, the following:

ORDER

i. The Writ petition is partly allowed;

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ii. The impugned order bearing No.*MAG.01/CKM.GADIPARU-04/2026* dated 27.08.2026 (Annexure-A to the writ petition) is hereby quashed.

6. This order will not preclude the respondent/authorities from initiating appropriate action in accordance with law.

7. All rights and contentions of the parties in that regard are kept open.

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(C.M. POONACHA)
JUDGE

BS
List No.: 1 Sl No.: 59