HC-KAR
CNR: KAHC010713352026

NC: 2026:KHC:61007
WP No. 32283 of 2026

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. 32283 OF 2026 (GM-POLICE)

BETWEEN:

1. SRI VENKATARAMU P
S/O PUTTASWAMY,
AGED ABOUT 45 YEARS,
R/AT VIJAYNAGARA,
BELUR ROAD, HASSAN TOWN,
HASSAN DISTRICT
PIN CODE-573217

…PETITIONER

(BY SRI. RANGANATH REDDY R.,ADVOCATE)

AND:

1. STATE OF KARNATAKA
REPRESENTED BY SECRETARY,
DEPARTMENT OF HOME,
VIDHANA SOUDHA,
BANGALORE PIN CODE-560001

2. THE SPECIAL EXECUTIVE MAGISTRATE,
AND SUPERINTENDENT OF POLICE,
HASSAN DISTRICT,
PIN CODE-573201

3. THE POLICE SUB INSPECTOR,
PENSION MOHALLA POLICE STATION,
HOSALINE ROAD, NEAR DAR
HEADQUARTERS, HASSAN -573201
(ALL THREE REPRESENTED BY HIGH
COURT OF KARNATAKA)

HC-KAR
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SMALL CAUSES COURTS ACT, 1964

…RESPONDENTS

(BY SRI. HARISHA A S, AGA)

THIS WP IS FILED UNDER ARTICLES 226 & 227 OF THE CONSTITUTION OF INDIA PRAYING TO QUASHING THE IMPUGNED ORDER AT ANNEXURE A DATED 27/07/2026 PASSED BY THE 2ND RESPONDENT IN CASE NO. MAG-1/HASSAN/GADIPARU/13/2026, IN THE INTEREST JUSTICE AND EQUITY.

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

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

ORAL ORDER

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

> *"a) Issue a writ of certiorari or any other appropriate writ, order or direction, quashing the impugned order at Annexure A dated 27/07/2026 passed by the 2nd Respondent in Case No. MAG-1/Hassan/Gadiparu/13/2026, in the interest justice and equity.*
>
> *b) Consequently, To quash all consequential directions issued pursuant to the impugned order dated 27/07/2026 (Annexure-A),*
>
> *c) Grant such other relief or reliefs as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case, in the interest of justice and equity. "*

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2. The petitioner assails the impugned order dated 27.07.2026 (Annexure-A to the writ petition) primarily on the ground that respondent No.2 - Special Executive Magistrate and Superintendent of Police did not have the jurisdiction to issue the said order dated 27.07.2026. 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 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*

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

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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.

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."

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3. Learned AGA upon instructions submits that subsequent to passing of the impugned order dated 27.07.2026, 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;

ii. The impugned order bearing No.MAG-1/Hassan/Gadiparu/13/2026 dated 27.07.2026 is hereby quashed.

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

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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.: 3 Sl No.: 24