



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 23RD DAY OF FEBRUARY, 2026

BEFORE

THE HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

WRIT PETITION NO.200316 OF 2026 (GM-POLICE)

BETWEEN:

MAHESH S/O GOVINDA
AGE: 22 YEARS, OCC: STUDENT,
R/O SARJAPUR VILLAGE,
TQ. AND DIST. RAICHUR-584122.

...PETITIONER

(BY SRI. B.K.HIREMATH, ADVOCATE)

AND:

1. THE DEPUTY COMMISSIONER,
RAICHUR,
TQ. AND DIST. RAICHUR-584101.
2. THE ASST. COMMISSIONER
AND MAGISTRATE, RAICHUR
TQ. AND DIST. RAICHUR-584101.
3. THE SUPERINTENDENT OF POLICE,
RAICHUR, TQ. AND DIST. RAICHUR-584101.
4. THE DEPUTY SUPERINTENDENT OF POLICE,
SUB-DIVISION RAICHUR,
TQ. AND DIST. RAICHUR-584101.
5. THE POLICE INSPECTOR,
YEPALLADDINI POLICE STATION,
TQ. AND DIST. RAICHUR-584102.

...RESPONDENTS

(BY SRI. MALLIKARJUN SAHUKAR, AGA)





THIS WRIT PETITION IS FILED UNDER ARTICLES 226 AND 227 OF THE CONSTITUTION OF INDIA, PRAYING TO ALLOW THE WRIT PETITION FILED BY THE PETITIONER AND ISSUE A WRIT OF CERTIORARI QUASHING THE IMPUGNED ORDER PASSED BY RESPONDENT NO.2 IN FILE NO REV/MAG/11/2025 DATED 30.12.2025 AND PASSED AN ORDER TO REMOVE THE PETITIONER FROM RAICHUR DISTRICT TO HANNUR VILLAGE OF CHAMARAJNAGAR DISTRICT VIDE ANNEXURE-F.

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

CORAM: HON'BLE MR. JUSTICE PRADEEP SINGH YERUR

ORAL ORDER

Heard learned counsel for the petitioner and learned Additional Government Advocate for respondent-State.

2. Petitioner is a student studying in three year Law course in third semester at Raichur Law College. Respondent Nos.4 and 5 without conducting proper enquiry registered criminal cases in Crime No.0046/2022 and Crime No.0006/2025 on different occasions against the petitioner for several offences. Since the matter was of a civil in nature, petitioner also lodged a complaint against one Yellappa against whom the respondent police



authorities registered a case on the basis of the complaint lodged by the petitioner. The matter pertained to a civil dispute of agricultural land. The petitioner was externed by Order dated 30.12.2025 in File No.REV/MAG/11/2025 from 30.12.2025 to 29.03.2026 by the impugned order.

3. It is the vehement contention of learned counsel for the petitioner that the respondent authorities have not followed the procedure as contemplated in the Karnataka Police Act, 1963 (for short, 'the Act), more specifically, Sections 55, 56 and 58 of the Act, while taking the drastic step of externing the petitioner from Raichur District to Hannur of Chamrajnagar District. Therefore, the procedure as contemplated under the Karnataka Police Act has not been followed. The petitioner being a law student has been put to severe difficulties of attending the classes and taking up the examination. Though he was permitted by virtue of an interim order to take up the examination, he is put to severe difficulties for non-following of the procedure by the respondent authorities. Under the



circumstances, he seeks to quash the impugned order of externment.

4. *Per contra*, learned Additional Government Advocate sustains the impugned order contending that the procedure of law has been followed under section 55(a) and (b) of the Act and the relevant procedure under sections 56 and 58 of the Act. There is no flaw or illegality. Based on the criminal cases registered and there being a threat of breach of peace and tranquility, petitioner has been externed. Therefore, he seeks to dismiss this petition. In fact, learned Additional Government Advocate contends that reasons are forthcoming in the order of externment and if at all, the petitioner is aggrieved on the merits of the matter, then he would have to challenge the said order by filing an appeal as contemplated under Section 59 of the Act, rather than approaching this Court in the writ jurisdiction. Therefore, he contends that the present petition is not maintainable. The petition deserves



to be dismissed and the petitioner can avail the appeal remedy provided under the Act.

5. I have heard learned counsel for the petitioner and learned Additional Government Advocate for the respondents.

6. What requires to be seen in the present case on hand is whether the respondents have followed the procedure contemplated under the Act and whether there is any violation of fundamental rights by the respondent authorities in ordering externment against the petitioner. It would be relevant to extract the provisions of Section 55(a) and (b) so also Section 58 of the Act. Section 55 (a) and (b) of the Act reads as under:

"55. Removal of persons about to commit offences-. Whenever it shall appear in the City of Bangalore and other areas for which a Commissioner has been appointed under Section 7 to the Commissionerate, and in other area or areas to which the Government may, by notification in the official Gazette, extend the provision of this section to the District Magistrate, or the Sub-Divisional Magistrate having jurisdiction and specially empowered by the Government in that behalf.-



(a) that the movements or acts of any person are causing or calculated to cause alarm, danger or harm to person or property; or

(b) that there are reasonable grounds for believing that such person is engaged or is about to be engaged in the commission of an offence involving force or violence or an offence punishable under Chapter XII, XVI or XVII of the [Indian Penal Code], or in the abetment of any such offence, and when in the opinion of such officer witnesses are not willing to come forward to give evidence in public against such person by reason of apprehension on their part as regards the safety of their person or property; or

(c) xxx "

Section 58 of the Act reads as under:

"58. Hearing to be given before an order is passed under Section 54, 55 or 56.-(1) Before an order under Section 54, 55 or 56 is passed against any person, the officer acting under any of the said sections or any officer above the rank of an Inspector authorised by that officer shall inform the person in writing of the general nature of the material allegations against him and give him a reasonable opportunity of tendering an explanation regarding them. If such person makes an application for the examination of any witness produced by him, the authority or officer concerned shall grant such application and examine such witness, unless for reasons to be recorded in writing the authority or officer is of opinion that such application is made for the purpose of vexation or delay. Any written statement put in by such person shall be filed with the record of the case. Such person shall be entitled to appear before the officer proceeding under this



section by a legal practitioner for the purposes of tendering his explanation and examining the witnesses produced by him.

(2) The authority or officer proceeding under subsection (1) may, for the purpose of securing the attendance of any person against whom any order is proposed to be made under Section 54, 55 or 56 require such person to appear before him and to furnish a security bond with or without sureties for such attendance during the inquiry. If the person fails to furnish the security bond as required or fails to appear before the officer or authority during the enquiry, it shall be lawful for the officer or authority to proceed with the inquiry and thereupon such order as was proposed to be passed against him may be passed."

7. On careful perusal of these provisions, it is seen that there is a clear mandate to the authorities to follow the relevant provisions as contemplated under Sections 55(a) and (b) and 58 of the Act, whereby the authorities would have to come to a clear opinion as to why the petitioner requires to be externed. Once such an opinion is formed, the respondents would have to form an opinion as to the willingness of the witnesses to come forward in public to give evidence against the persons sought to be proceeded for externment which is mandatory. In the present reasoning of the impugned order, there is no such



clear opinion formed by the respondent authorities to extern the petitioner. Though there is an omnibus statement made, there is no material placed on record so also, nothing is placed to show that because of the threat or perception given to any of the witnesses, they are apprehensive and that the witnesses are not willing to come forward to give statement or evidence against the petitioner.

8. The Hon'ble Apex Court in the case of **Deepak vs. State of Maharashtra [2022 SCC Online SC 99]**, at paragraph Nos.6, 13 and 15, has held as follows:

"6. We have given careful consideration to the submissions. Under clause (d) of Article 19(1) of the Constitution of India, there is a fundamental right conferred on the citizens to move freely throughout the territory of India. In view of clause (5) of Article 19, State is empowered to make a law enabling the Imposition of reasonable restrictions on the exercise of the right conferred by clause (d). An order of externment passed under provisions of Section 56 of the 1951 Act imposes a restraint on the person against whom the order is made from entering a particular area. Thus, such orders infringe the fundamental right guaranteed under Article 19(1)(d). Hence, the restriction imposed by



passing an order of externment must stand the test of reasonableness.

7. to 12. xxx

13. *Considering the nature of the power under Section 56, the competent authority is not expected to write a judgment containing elaborate reasons. However, the competent authority must record its subjective satisfaction of the existence of one of the grounds in sub-section (1) of Section 56 on the basis of objective material placed before it. Though the competent authority is not required to record reasons on par with a judicial order, when challenged, the competent authority must be in a position to show the application of mind. The Court while testing the order of externment cannot go into the question of sufficiency of material based on which the subjective satisfaction has been recorded. However, the Court can always consider whether there existed any material on the basis of which a subjective satisfaction could have been recorded. The Court can interfere when either there is no material or the relevant material has not been considered. The Court cannot interfere because there is a possibility of another view being taken. As in the case of any other administrative order, the judicial review permissible on the grounds of mala fide, unreasonableness or arbitrariness.*

14. xxx

15. *As the order impugned takes away fundamental right under Article 19(1)(d) of the reasonableness contemplated by clause (5) of Article Constitution of India, it must stand the test of 19. Considering the bare facts on record, the said order shows non-application of mind and smacks of arbitrariness. Therefore, it becomes vulnerable. The order cannot be sustained in law."*



9. Under the circumstances, having gone through the materials and the impugned order, this Court is of the opinion that the petitioner has made out a good ground to consider his case favourably and I am of the opinion that the respondents though have made some omnibus statement cannot be taken as a specific statement as contemplated under Section 55(b) of the Act and on enquiry, learned Additional Government Advocate is not able to point out any such material forthcoming in the report of the respondent authorities to pinpoint and show that the witnesses are not coming forward to give evidence against the petitioner in view of threat or in view of the threat to the witnesses who are unwilling to come to give evidence, the petitioner has been acquitted in several cases.

10. Under such circumstances, I pass the following:

ORDER

i. This petition is ***allowed***.



- ii. The impugned order dated 30.12.2025 bearing No.Revenue/M.A.G./11/2025 passed by respondent No.2 vide Annexure-F, is hereby quashed.
- iii. Liberty is reserved to the respondent authorities to initiate proceedings and while doing so, they have to strictly follow the mandatory requirements as contemplated under the Act and also the judgment of the Hon'ble Apex Court in the case of ***Deepak vs. State of Maharashtra [2022 SCC Online SC 99]***.

Sd/-
(PRADEEP SINGH YERUR)
JUDGE

VNR
LIST NO.: 2 SL NO.: 11
CT:SI