



IN THE HIGH COURT OF KARNATAKA

KALABURAGI BENCH

DATED THIS THE 17TH DAY OF OCTOBER, 2025

BEFORE

THE HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

WRIT PETITION NO.203149 OF 2025 (GM-RES)

BETWEEN:

SRI. ADRUSHYA KADESHWARA SWAMIJI
GURU MUPPINA KADESHWARA SWAMJI,
AGE: 63 YEARS, KANERI MATHA, KOLHAPUR
MAHARASHTRA-4116234.

...PETITIONER

(BY SRI. SACHIN MADHUKAR MAHAJAN, AND
SRI. PRASANNA KUMAR., ADVOCATES)

AND:

1. THE STATE OF KARNATAKA
THROUGH HOME DEPARTMENT
REP. BY ITS PRINCIPAL SECRETARY
VIDHAN SOUDHA, AMBEDKAR VEEDHI
BENGALURU-560001.
2. THE DEPUTY COMMISSIONER
VIJAYAPUR DISTRICT
VIJAYAPUR-586101.

...RESPONDENTS

(BY SRI. SHASHIKIRANA, AG, A/W
SMT. ARCHAN P. TIWARI, AAG A/W
SRI. JAMADAR SHAHABUDDIN., HCGP)





THIS WRIT PETITION IS FILED UNDER SECTION 226 OF THE CONSTITUTION OF INDIA READ WITH SECTION 528 OF THE CODE OF BHARATIYA NAGARIK SURAKSHA SANHITA PRAYING TO ISSUE A WRIT OR ORDER OR DIRECTION IN THE NATURE OF CERTIORARI AND QUASH THE IMPUGNED ORDER DATED 15.10.2025, PASSED BY THE RESPONDENT NO.2 THE DEPUTY COMMISSIONER, VIJAYAPUR, IN FILE BEARING NO.RB/MAG/VIVA/10/2025-26, VIDE ANNEXURE-A.

THIS PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 16.10.2025 COMING ON FOR 'PRONOUNCEMENT OF ORDER' THIS DAY, THE COURT DELIVERED THE FOLLOWING

CORAM: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM

CAV ORDER

(PER: HON'BLE MR. JUSTICE SACHIN SHANKAR MAGADUM)

In the captioned petition, the petitioner, who is the Matadipati of Siddhagiri Math, Kaneri, Taluk Karvir, District Kolhapur, has called in question the impugned order dated 15.10.2025 bearing No. RB/MAG/VIVA/10/2025-26,



passed by the second respondent–Deputy Commissioner, Vijayapura District, whereby the petitioner has been restrained from entering the territorial limits of Vijayapura District for the period from 16.10.2025 to 14.12.2025, as per Annexure–A.

2. Learned counsel appearing for the petitioner, reiterating the grounds urged in the petition, submits that the impugned order is arbitrary, illegal, and actuated by extraneous and political considerations. It is contended that there are no materials whatsoever to invoke sub-section (2) of Section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023. The petitioner, according to learned counsel, merely intends to participate in the Punya Tithi of Samarth Sadguru Shri Siddharameshwara Maharajaru at Basavana Bagewadi, District Vijayapura, scheduled on 16th and 17th October, 2025. It is further urged that the petitioner had already commenced his journey from Kolhapur to Vijayapura to attend the said religious gathering, and that the issuance of the



prohibitory order at the eleventh hour amounts to a direct infringement of his fundamental rights guaranteed under Article 19(1)(d) of the Constitution of India. In support of his submissions, reliance is placed on the judgment of the Hon'ble Supreme Court in **Anuradha Bhasin v. Union of India & Others, (2020) 3 SCC 637**, to contend that restrictions on movement must satisfy the tests of necessity and proportionality.

3. Per contra, the learned Advocate General, relying upon the material placed on record and the inputs furnished in the police report, submits that the petitioner's proposed visit is likely to disturb public order and may lead to breach of peace. He points out that there are credible intelligence inputs indicating widespread protests already being organized by devotees in response to the petitioner's recent use of abusive and intemperate language against another pontiff. Placing reliance on the principles laid down by the Hon'ble Supreme Court in **State of Karnataka & Another v. Dr. Praveen Bhai**



Thogadia, (2004) 4 SCC 684, he contends that when the administration is satisfied, on the basis of objective material, that a person's presence is likely to endanger public tranquility, it is well within its power to issue a preventive order under Section 163 of the BNSS, 2023. It is thus submitted that the impugned order is neither arbitrary nor excessive but a legitimate preventive measure to preserve public peace.

4. This Court has carefully considered the rival submissions advanced by both learned counsel and has perused the records, including the impugned order and the judgments relied upon by the parties.

5. The short question that arises for consideration in this petition is—

"Whether the prohibitory order dated 15.10.2025, restraining the petitioner from entering Vijayapura District, warrants interference in exercise of the



*extraordinary jurisdiction of this Court under Article 226
of the Constitution of India?"*

6. Before this delves into the matter, it would be apposite to extract the statement made by petitioner, the same is extracted as under;

“ಉಲ್ಲೇಖ (1) ರನ್ವಯ ಪೊಲೀಸ್ ಅಧೀಕ್ಷಕರು, ವಿಜಯಪುರ ಇವರು,
"ಇತ್ತೀಚೆಗೆ ಮಹಾರಾಷ್ಟ್ರದ ಜತ್ತ ತಾಲೂಕಿನ ಬೀಳೂರು ಗ್ರಾಮದ
ಸಮಾರಂಭದಲ್ಲಿ ಕನೇರಿ ಮರದ ಅದೃಶ್ಯ ಕಾಡಸಿದ್ದೇಶ್ವರ ಸ್ವಾಮೀಜಿಯವರು.
*ಗುಡ್ಯಾಗ ಹೋಗಬ್ಯಾಡಿ, ಗುಡ್ಯಾಗ ಹೋಗಬ್ಯಾಡಿ ಅಂತಾ ಪ್ರಚಾರ ನಡೆದೈತಿ,
ತಿಂಗಳ ದೀಡ್ ತಿಂಗಳ ಹಿಂದೆ ಮಾಡಿದ್ರಪ್ಪಾ, ಮುಖ್ಯಮಂತ್ರಿಗಳ ಕೃಪಾಪೋಷಕ
ಲಿಂಗಾಯತ ಮಠಾಧೀಪತಿಗಳ ಒಕ್ಕೂಟ ಕಲಾವಿದರಿಂದ ಕೂಡಿಕೊಂಡತಹ
ಬಸವ ಸಂಸ್ಕೃತಿ ಅಭಿಯಾನ ಎನ್ನುವ ನಾಟಕವನ್ನ ತೆಗೆದುಕೊಂಡು ಇಡಿ
ಕರ್ನಾಟಕ ರಾಜ್ಯದ ತುಂಬ ತಿರುಗಾಡಿ ದೇವರು ಗುಡಿಯಾಗ ಇಲ್ಲ, ಗುಡ್ಯಾಗ
ಹೋಗಬ್ಯಾಡಿ, ಮನ್ಯಾಗಿನ ದೇವ್ರಗಳನ್ನು ತಗೊಂಡು ಹೊಳ್ಳಾಗ ಹಾಕ್ರಿ,
ಹೋಟೆಲ್‌ದಾಗ ಹೋಗ್ರಿ ದಾರು ಕುಡಿರಿ, ಅರಾಮಾಗಿರಿ, ಮಾಂಸಾ ತಿನ್ನರಿ,
ಅವರನ್ನ ಮುಂದೆ ಕುದ್ರಸ್ಕೊಂಡ ಆ ಸುಳಿ ಮಕ್ಕಳಿಗೆ ಬುದ್ಧಿ ನಾನೇ ಹೇಳಬೇಕು.
ಹಿಡಿದು ಮೆಟ್ಟಿಲೇ ಹೊಡಿಬೇಕೆ ಅವ್ರಿಗೆ, ಮೆಟ್ ಮೆಟ್ಟಿ ಹೊಡಿದ್ರುನು ಕಡಿಮನೇ"
ಅನ್ನುವಂತಹ ಹೇಳಿಕೆಯನ್ನು ಕೊಟ್ಟಿದ್ದು. ಆ ಹಿನ್ನೆಲೆಯಲ್ಲಿ ಗದಗ, ವಿಜಯಪುರ,



ಬೀದರ, ಸಿಂಧನೂರು, ಕೂಡಲಸಂಗಮ, ದಾವಣಗೆರೆ, ಮುದ್ದೇಬಿಹಾಳ,
ಬಸವಕಲ್ಯಾಣ, ಹೊಸದುರ್ಗ, ಬೆಳಗಾವಿ, ಚಿಟಗುಪ್ಪ ಹಾಗೂ ರಾಜ್ಯದ ವಿವಿಧ
ಭಾಗಗಳಲ್ಲಿ ಸಾರ್ವಜನಿಕರು ಮತ್ತು ಮಠಾಧೀಶರು ಪ್ರತಿಕ್ರೃತಿಗಳನ್ನು ದಹಿಸಿ.
ತಮ್ಮ ಆಕ್ರೋಶ ಹಾಗೂ ಪ್ರತಿಭಟನೆ ಮಾಡಿ ಆಕ್ರೋಶ ವ್ಯಕ್ತಪಡಿಸಿ, ಮನವಿ
ಪತ್ರಗಳನ್ನು ಸಲ್ಲಿಸಿರುತ್ತಾರೆ"

(Emphasis supplied by me)

7. It is no doubt unfortunate that differences have arisen between two revered spiritual leaders, and the petitioner, being a pontiff commanding considerable public following, is expected to exhibit composure, tolerance, and restraint even in the face of provocation. However, the material placed before this Court reveals that the petitioner's reaction to the remarks made by another pontiff was not confined to a dignified rebuttal, but degenerated into use of threatening and abusive language, including statements suggestive of physical assault. Such conduct, by any measure, is wholly inconsistent with the moral and spiritual discipline expected of a religious head and erodes the dignity attached to his office. A person who



chooses to respond in such an intemperate and provocative manner cannot, merely by virtue of his ecclesiastical position, claim immunity from the ordinary application of law or seek indulgence under the guise of religious freedom.

8. While this Court is informed about the petitioner's revered stature, it cannot overlook the fact that his utterances have already resulted in public protests and created palpable tension among devotees. In such circumstances, the preventive measures adopted by the District Administration, based on credible intelligence inputs, cannot be said to be arbitrary or disproportionate. The right to movement under Article 19(1)(d) carries with it the obligation to ensure that its exercise does not imperil public peace. The petitioner, instead of asserting his right in defiance of prevailing circumstances, ought to demonstrate spiritual maturity by voluntarily deferring his visit in the larger interest of maintaining public order.



9. The scope of the fundamental right guaranteed under Article 19(1)(d) of the Constitution, which confers upon every citizen the right to move freely throughout the territory of India, is not absolute and is subject to reasonable restrictions under Article 19(5) in the interests of the general public. The Hon'ble Supreme Court in ***Dr. N.B. Khare v. State of Delhi AIR 1950 SC 211***, has held that freedom of movement or expression cannot be exercised in a manner that disturbs public order or offends communal harmony. Similarly, in ***Himat Lal K. Shah v. Commissioner of Police AIR 1973 SC 87***, it has been reiterated that while citizens have a right to move freely and assemble peacefully, the State is equally empowered to regulate such rights to prevent breach of peace.

10. In the present case, the impugned prohibitory order has been issued on the basis of credible intelligence inputs indicating that the petitioner's visit to Basavana Bagewadi is likely to trigger protests and disturb public tranquility. The materials on record, including the



statements made by the petitioner, reveal the use of abusive and derogatory language wholly unbecoming of a person claiming spiritual status. When such conduct is capable of inflaming religious sentiments and provoking unrest, the preventive measures adopted by the District Administration cannot be termed arbitrary or excessive. The restriction imposed is narrowly tailored to prevent imminent disorder and does not permanently curtail the petitioner's right under Article 19(1)(d).

11. It is expected of a person holding the exalted position of a spiritual head or pontiff to act with restraint, humility, and a sense of responsibility befitting the faith and reverence reposed in him by the followers. A saint or religious leader occupies a place of moral influence and spiritual guidance in society, and therefore his words and actions carry far-reaching consequences on the conduct of devotees. The petitioner, being a pontiff of considerable following, ought to be conscious that any statement or act perceived as provocative or derogatory can have a



cascading effect on public peace and order. In the present case, the record discloses that the petitioner's previous utterances contained language that was clearly abusive and unbecoming of a spiritual leader, which has already led to widespread protests across the State. When such an atmosphere of tension prevails, prudence demands that the petitioner should voluntarily defer or avoid his proposed visit to Basava Bagewadi, keeping in view the larger interest of maintaining communal harmony and public tranquility.

12. The right guaranteed under Article 19(1)(d) of the Constitution cannot be claimed in isolation, divorced from the corresponding duty to ensure that its exercise does not endanger peace or public order. A spiritual leader, more than any other citizen, is expected to exemplify tolerance and self-restraint, and to rise above personal grievances in order to promote harmony and mutual respect among communities. Therefore, when the impugned prohibitory order is based on credible



intelligence inputs and aims to prevent potential unrest, this Court finds no ground to interfere, as the petitioner, by refraining from such visit, would in fact be upholding the true spirit of his calling and setting a noble example for his followers.

13. In ***Dr. Praveen Togadia v. State of Karnataka, (2004) 4 SCC 684***, the Hon'ble Supreme Court upheld a similar prohibitory order restraining entry into a district, holding that when credible material indicates the likelihood of breach of peace, preventive action by the administration constitutes a reasonable restriction under Article 19(1)(d). The Court observed that the right to movement must yield to the paramount interest of maintaining public order and tranquility.

14. In contrast, reliance on ***Anuradha Bhasin v. Union of India, (2020) 3 SCC 637***, is misplaced, as that case dealt with region-wide restrictions affecting the general public and examined the proportionality of continuing limitations on movement and communication.



The present case, however, involves a narrowly tailored preventive measure directed against an individual whose own abusive and provocative utterances have already led to protests and tension among devotees. The impugned order, based on concrete intelligence inputs, is thus a legitimate and proportionate exercise of power under Section 163 of the Bharatiya Nyaya Sanhita, 2023, intended solely to prevent imminent disturbance to public order.

15. The scope of judicial review of an order passed by an Executive Magistrate under Section 163 of the Bharatiya Nagarik Suraksha Sanhita, 2023 is necessarily limited. Such orders are preventive and administrative in nature, issued on the basis of subjective satisfaction formed from material placed before the authority regarding an apprehended breach of peace. The Court, while exercising jurisdiction under Article 226 of the Constitution, does not sit in appeal over the satisfaction of the Executive Magistrate or substitute its own opinion for



that of the competent authority. Interference is warranted only where the order is shown to be patently without jurisdiction, vitiated by mala fides, based on no material, or suffers from manifest arbitrariness. So long as the order is founded upon relevant and credible inputs, supported by contemporaneous reports of the law enforcement agencies, and the satisfaction recorded is not demonstrably perverse or irrational, the Court would be slow to interfere. The judicial focus in such review is confined to examining the decision-making process rather than the decision itself, thereby maintaining the delicate balance between individual liberty and the necessity of preventive action in the interest of public order. Hence, the restriction falls within the ambit of Article 19(5) and does not call for interference.

16. On overall consideration, this Court finds that the impugned prohibitory order is based on relevant material and is neither arbitrary nor excessive. The order represents a legitimate preventive measure issued in the



interest of maintaining public order. No ground is made out to warrant interference in exercise of writ jurisdiction.

ORDER

- i. The writ petition stands dismissed.
- ii. The impugned order dated 15.10.2025 passed by the second respondent-Deputy Commissioner, Vijayapura District, is hereby upheld.
- iii. It is, however, made clear that the petitioner shall be at liberty to renew his request for entry after the period stipulated in the order expires, subject to the prevailing law and order situation.
- iv. No order as to costs.

**Sd/-
(SACHIN SHANKAR MAGADUM)
JUDGE**

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List No.: 3 Sl No.: 1
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