

Court No. - 20

Case :- WRIT - A No. - 7843 of 2023

Petitioner :- Arpit Singh

Respondent :- Union Of India Thru. Its Director General, I.T.B.P. Thru. The Ministry Of Home Affairs And 6 Others

Counsel for Petitioner :- Shashi Kant Tripathi, Rajeev Mishra, Vinay Kumar

Counsel for Respondent :- A.S.G.I.

Hon'ble Manish Mathur, J.

1. Heard learned counsel for petitioner and Mr. S. B. Pandey, Senior Advocate, Deputy Solicitor General of India assisted by Mr. Varun Pandey, learned counsel for opposite parties 1 to 5. In view of order being passed, notices to opposite parties 6 and 7 stand dispensed with.

2. Petition has been filed seeking a direction to opposite party no.2 i.e. Deputy Director General (Establishment), Indo-Tibetan Border Police Force, Block-2, Central Officer Premises, Lodhi Road, New Delhi-03 to make an independent enquiry against opposite parties 5 and 6 and to take appropriate action on representation made by petitioner against aforesaid officers.

3. At the very outset, learned counsel for opposite parties has raised a preliminary objection regarding maintainability of this petition before this Court at Lucknow in view of fact that not even part cause of action accrues before this Court since all the relief sought is with regard to officials posted in Delhi.

4. In response thereto, learned counsel for petitioner submits that since opposite party no.7 is posted in Raebareli, part cause of action would accrue before this Court.

5. Upon consideration of submissions advanced by learned counsel for parties and perusal of material on record, it is quite evident that petitioner has lodged some complaint against

opposite parties 6 and 7. It is the case of petitioner that opposite party no.2 is the only competent authority for initiating action on complaint made by petitioner. It is also evident that not only opposite party no.2 but even opposite party no.6 are in New Delhi with opposite party no.7 only being posted in Raebareli.

6. There is no indication as to how part cause of action would accrue before this Court only on the basis of current posting of opposite party no.7 since action has to be taken by an authority posted in Delhi.

7. The petition is also silent with regard to any part cause of action arising within territorial jurisdiction of this Court.

8. In view of aforesaid, the petition not being maintainable before this Court is **dismissed**.

Order Date :- 12.10.2023

kvg/-