

IN THE HIGH COURT OF JUDICATURE AT PATNA

Civil Writ Jurisdiction Case No.7380 of 2008

Mithilesh Kumar, son of late Sri Sakaldeep Narayan Singh, resident of Flat No. 104, Aranya Balbhadra Apartment, Boring Canal Road, P O – GPO, Patna, P S – Budha Colony, District – Patna-800 001.

.... Petitioner/s

Versus

1. The Union of India through the Secretary, Ministry of Home Affairs, North Block, New Delhi.
2. The Director General of Police, Central Reserve Police Force, C.G.O. Complex, Lodi Road, New Delhi.
3. The Inspector General of Police, CRPF, Bihar Sector, Patna.
4. The Deputy Inspector General of Police, CRPF, Patna Range, Patna.
5. Mohsen Shahedi , Second in Command, son of not know to the petitioner, resident of : 119 Battalion C/o 56 APO, CRPF, Srinagar.
6. Deepak Sharma, Second in Command, son of not known to the petitioner, resident of: 70 Battalion, CRPF, Bawana, New Delhi.
7. Alok Awasthi, Second in Command, son of not known to the petitioner, resident of: C.T.C.2, CRPF, Sanjeevi Hills, Thopamtatti, Coimbatore, Tamil Nadu.
8. Shyam Chandra De, Second in Command, son of not known to the petitioner, resident of: 150 Battalion, CRPF, District – Mokokchung, Nagaland.
9. Preet Mohan Singh, Second in Command, son of not known to the petitioner, resident of Group Centre, Khatkhati, P O – Dimapur, Assam.
10. Binod Kartik, Second in Command, son of not known to the petitioner, resident of 173 Battalion, Agartalla, Tripura.
11. Anil Kumar, Second in Command, son of not known to the petitioner, resident of: 73 Battalion, CRPF Camp Bemina, Srinagar.
12. Yatendra Kumar Rajput, Second in Command, son of not known to the petitioner, resident of 17 Battalion, Kolab Nagar, District – Koraput, Orissa.

.... Respondent/s

with

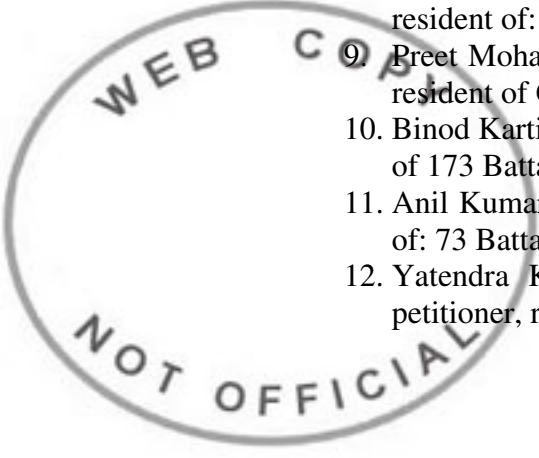
Civil Writ Jurisdiction Case No. 7381 of 2008

Mithilesh Kumar, son of late Sri Sakaldeep Narayan Singh, resident of Flat No. 104, Aranya Balbhadra Apartment, Boring Canal Road, P O – GPO, Patna, P S – Budha Colony, District – Patna-800 001.

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Versus

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 12. Yatendra Kumar Rajput, Second in Command, son of not known to the petitioner, resident of 17 Battalion, Kolab Nagar, District – Koraput, Orissa.

.... Respondent/s

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Appearance :

(In CWJC No. 7380 of 2008)

For the Petitioner/s : Mr. Rajendra Pd. Singh, Sr. Advocate
Mr. Anil Kumar Sinha
Mr. Mukesh Kumar Singh
For Union of India : Mr. Anjani Kumar Sharan, CGC
For Respondents 5 to 12: Mr. Syed Aarshad Alam
Ms. Anjum Perween
Mr. Fakhruddin Ali Ahmad

(In CWJC No. 7381 of 2008)

For the Petitioner/s : Mr. Rajendra Pd. Singh, Sr. Advocate
Mr. Anil Kumar Sinha
Mr. Mukesh Kumar Singh
For the Union of India: Mr. Anjani Kumar Sharan, CGC
For Respondents 5 to 12: Mr. Syed Arshad Alam
Ms. Anjum Perween
Mr. Fakhruddin Ali Ahmad

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CORAM: HONOURABLE MR. JUSTICE AJAY KUMAR TRIPATHI

ORAL JUDGMENT

Date: 06-08-2015

At the outset learned counsel representing the Union of India raises a preliminary objection with regard to maintainability of the writ applications before Patna High Court on the ground that no cause of action has arisen within the territorial jurisdiction of this

Court. When the writ applications were filed, petitioner was posted at Srinagar and the so-called gradation list has been issued by the Headquarter in New Delhi.

There is no serious dispute on these two factual aspects of the matter. If that be so, merely because the petitioner claims that his Headquarter is located at Mokama Ghat, in the district of Patna, that does not become a cause of action as the decisions in question are not taken here.

Both the writ applications, therefore, are dismissed for lack of territorial jurisdiction.

No opinion is expressed on the merits in view of the above.

(Ajay Kumar Tripathi, J)

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