

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CWP No. 867 of 2008

DATE OF DECISION :- December 09, 2015

**Director General, Sports Authority of India and another.
...Petitioners**

Versus

**Janam Chand Katoch and others.
...Respondents**

CORAM: HON'BLE MR.JUSTICE M.JEYAPPAUL

HON'BLE MRS. JUSTICE SNEH PRASHAR

Present:- Mr. P.C. Goel, Advocate for the petitioners.

Mr. Sanjeev Singh Thakur, Advocate for
Mr. Pankaj Katia, Advocate for respondent no.1.

Mr. Harsimran Singh Sethi, Advocate for respondent no.2.

1. Whether Reporters of local papers may be allowed to see the judgment? Yes/No
2. To be referred to the Reporters or not? Yes/No
3. Whether the judgment should be reported in the digest? Yes/No

M.JEYAPPAUL, J.

1. Heard the submissions made on either side.
2. Learned counsel appearing for the petitioners submits that inasmuch as the subject Original Application had been filed before the Chandigarh Bench, this Court has the jurisdiction to deal with the Writ Petition filed before it, aggrieved by the order passed by

the Tribunal. It is his further submission that the respondents cannot raise the issue of jurisdiction after a lapse of about seven long years, having subjected themselves to the jurisdiction of this Court.

3. Learned counsel appearing for respondent no.2-State of Himachal Pradesh submits that no cause of action has arisen within the jurisdiction of this Court, inasmuch as the 1st and 2nd respondents are residing only within the jurisdiction of Himachal Pradesh High Court and the Original Application filed by the 1st respondent was determined by the Chandigarh Bench while sitting at Shimla. It is his further submission that the respondents had no occasion to rake up the issue of jurisdiction as they were not supposed to file any reply/written statement in the Writ Petition filed by the petitioner aggrieved by the order passed in the Original Application.

4. We see much force in the submission made by learned counsel appearing for the 2nd respondent. As rightly pointed out by him, no cause of action has arisen before this Court to deal with the present Writ Petition. Further, the respondents had no occasion to raise a protest as regards the point of jurisdiction as they were not supposed to file reply or written statement to the Writ Petition. Even otherwise, non filing of any reply or written statement by the respondents would not amount to subjecting themselves to the jurisdiction of this Court. If at all the respondents had advanced arguments in the main Writ Petition when the same was taken up for final hearing, then of course, the Court may construe that they had

subjected themselves to the jurisdiction of this Court. The lapse on the part of the respondents to rake up this issue does not confer any jurisdiction on this Court when this Court does not have an inherent jurisdiction to determine this case.

5. For all these reasons, the Writ Petition stands dismissed on the issue of jurisdiction as this Court has got no jurisdiction to determine the Writ Petition filed by the petitioner. However, a liberty is given to the petitioner to file a fresh Writ Petition, if at all so advised, before the jurisdictional High Court.

**(M. JEYAPPAUL)
JUDGE**

**(SNEH PRASHAR)
JUDGE**

December 09, 2015

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