

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

CWP-6326-2016 (O&M)

Date of decision : 02.05.2016

Archit Gupta

..... Petitioner

Vs

Union of India & Ors.

..... Respondents

Coram : Hon'ble Mr. Justice Rakesh Kumar Jain

Present: Mr. Amar Vivek, Advocate
for the petitioner.

Mr. Chetan Mittal, Sr. Advocate, with
Mr. Sourabh Goel, Advocate,
for the respondents.

Rakesh Kumar Jain, J. (oral)

At the outset, learned counsel for the respondents has raised a preliminary objection of maintainability of the writ petition on the ground that the petitioner has not pleaded anywhere in the petition about the accrual of the cause of action within the jurisdiction of this Court and has relied upon the following two judgments :

(i) **Raj Kumar vs. Union of India and others, 2005**

(2) S.C.T. 589 and

(ii) **Srishti Gupta vs. Amity University, 2014(1)**

AD (Delhi) 761.

In the case of **Raj Kumar** (supra) after referring to the decision of ***Oil and Natural Gas Commission v. Utpal Kumar***

Basu (1994) 4 SCC 711, Aligarh Muslim University v. Vinay Engineering Enterprises (P) Ltd., (1994) 4 SCC 710 and Union of India v. Adani Exports Ltd., (2002) 1 SCC 567” it has been held that *“in order to confer jurisdiction on a High Court to entertain a writ petition, it must disclose integral facts pleaded in support of cause of action to constitute a cause, so as to empower the Court to decide the dispute and that the entire or a part of it arose within its jurisdiction”*.

In the case of **Srishti Gupta** (supra), the Delhi High Court while referring the judgment of the seven Judges Bench of the Apex Court in **Hari Vishnu Kamath v. Syed Ahmed Ishaque & others, 1995(1) SCR 1104**, held that *“Now it is clear that the jurisdiction conferred on the High Court by Article 226 does not depend upon the residence or location of the person applying to it for relief; it depends only on the person or authority against whom a writ is sought being within those territories. It seems to us therefore that it is not permissible to read in Article 226 the residence or location of the person affected by the order passed in order to determine the jurisdiction of the High Court”*.

The Delhi High Court in the case of **Srishti Gupta** (supra) further observed that *“the introduction of Article 226(2) widened the area in respect of which writs could be issued by the High Courts. As a result, while Article 226(1) empowers this Court to issue writs to a person, authority or Government within the*

National Capital Territory of Delhi, even if the cause of action does not arise in Delhi, Clause (2) of the said Article enables this Court to issue writ to the person, authority or the Government located outside Delhi in a case where a cause of action, either wholly or in partly arises within the National Capital Territory of Delhi.”

Admittedly, there is no pleading as to how the cause of action has arisen within the territorial jurisdiction of this Court except alleging that the petitioner is a citizen of India and a resident of Chandigarh. Faced with this argument, learned counsel for the petitioner prays for withdrawal of this petition, with liberty to file it with better particulars, mentioning cause of action which has arisen in favour of the petitioner to confer jurisdiction to this Court insofar as the territorial jurisdiction is concerned.

Dismissed as withdrawn.

Liberty is granted.

[Rakesh Kumar Jain]
Judge

02.05.2016

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