

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

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**CWP No. 7846 of 2015 (O&M)
Date of decision: 19.08.2016**

Sukhjinder Singh

.... Petitioner

Versus

Union of India and others

.... Respondents

CORAM: Hon'ble Mr. Justice P.B. Bajanthri

Present: Ms. Vanita Sapra Kataria, Advocate for the petitioner.

P.B. Bajanthri, J. (Oral)

In the instant writ petition, the petitioner has challenged the order dated February, 2013 passed by the office of Commandant-47 Battalian, Karipubal Koilover, Arra, Bihar, order dated 05.06.2013 Central Reserve Police Force, Patna-800025 (Bihar) and the order dated 30.12.2013 passed by the office of Chief Commissioner, Bihar Sector, Central Reserve Police Force, Patna (Bihar). Question for consideration is whether this court can entertain writ petition and quash the orders passed out side the territorial jurisdiction of this Court i.e. jurisdiction of Patna High Court or not?

2. Learned counsel for the petitioner submitted that petitioner is residing at village Gosal P.O. Kalanur, Tehsil and District Gurdaspur. Therefore, cause of action accrues in the State of Punjab and the territorial jurisdiction is of the Punjab and Haryana High Court. Learned counsel for the petitioner in support of aforesaid contention relied on decision of

Supreme Court passed in ***Nawal Kishore Sharma versus Union of India***

and others reported in 2015(2)SLR 623. She relied on paras 10, 19 and 20 to contend that cause of action accrues in State of Punjab for the reasons that petitioner is residing in the State of Punjab. Perusal of para 22 of the above mentioned judgment, it is crystal clear that regarding maintainability of writ petition as well as territorial jurisdiction point was not argued at the time of preliminary hearing of said writ petition. Therefore, the Supreme Court held that “the impugned order, therefore, cannot be sustained in the peculiar facts and circumstances of this case”. Since the Supreme Court entertained petition in so far as territorial jurisdiction of the Patna High Court only with reference to peculiar facts and circumstances of the case as stated in para 22 therefore, the cited decision cannot be applied to the present case. If the present writ petition is entertained, this court has to set aside the orders passed by the officers who are under the territorial jurisdiction of Bihar. Hence, writ petition is not maintainable.

3. However, this order will not come in the way of petitioner to approach the territorial jurisdiction.

4. With the above observation, CWP stands dismissed.

19.08.2016

pooja saini

**(P.B.BAJANTHRI)
JUDGE**

Whether speaking/reasons

Yes/No

Whether Reportable:

Yes/No