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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 10136/2017 & CM. No. 41378/2018**

DR. BHAGWAN STATALE Petitioner

Through: Mr. Narender Hooda, Sr. Adv. with
Mr. Simranjeet Singh, Adv.

versus

UNION OF INDIA & ORS Respondents

Through: Mr. Manish Mohan CGSC for UOI
with Ms. Manisha, Adv. for UOI with
Mr. Apar Chopra, CGP
Mr. Abhay Prakash Sahay and Mr.
Suraj Kumar, Advs. for R2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

ORDER

% **10.12.2018**

1. An issue of jurisdiction has arisen in this writ petition. In view of the order dated November 17, 2017, this writ petition survives only to the extent of reliefs (a), (d), (e) and (f) which we reproduce as under:

“(a) To quash and set aside Rule 16 of the Veterinary Council of India (Procedure for Recognition and De-recognition of Veterinary Colleges and Veterinary Qualifications) Rules, 2017 as being in violation of section 12, section 15(2), section 19(1) and section 21 of the IVC Act, 1984 and Regulations 7 and 8 of VCI (Inspectors and Visitors) Regulations, 1991;
(d) To direct the respondents to refrain from interfering in the legitimate functions of the VCI and its Members.

(e) Award the costs of the proceedings in favour of the petitioner society.

(f) Pass any other order(s) / direction (s) which this Hon'ble Court deems fit and proper in favour of the petitioner society and against the respondent in the facts and circumstances of the present case."

2. In substance, the petitioner is seeking quashing of Rule 16 of the Veterinary Council of India Rules, 2017. An issue of jurisdiction has arisen as to whether the petitioner, who is based on Aurangabad, Maharashtra can file a petition in this Court only because that the Rules have been framed in Delhi.

3. We are of the view that the petitioner must be relegated to appropriate Court in Maharashtra in view of the judgment of the Supreme Court in ***Kusum Ingots & Alloys Ltd. v. Union of India, (2004) 6 SCC 254***, wherein the following has been held:

"26. [In Kusum Ingots & Alloys Ltd. vs. Union of India & Anr.](#) a three Judge Bench of this Court clearly held that with a view to determine the jurisdiction of one High Court viz.-a-viz the other the facts pleaded in the writ petition must have a nexus on the basis whereof a prayer can be made and the facts which have nothing to do therewith cannot give rise to a cause of action to invoke the jurisdiction of a court. In that case it was clearly

held that only because the High Court within whose jurisdiction a legislation is passed, it would not have the sole territorial jurisdiction but all the High Courts where cause of action arises, will have jurisdiction. Distinguishing, however, between passing of a legislation by a Legislature of the State and an order passed by the Tribunal or Executive Authority, it was held:

“27. When an order, however, is passed by a court or tribunal or an executive authority whether under provisions of a statute or otherwise, a part of cause of action arises at that place. Even in a given case, when the original authority is constituted at one place and the appellate authority is constituted at another, a writ petition would be maintainable at both the places. In other words, as order of the appellate authority constitutes a part of cause of action, a writ petition would be maintainable in the High Court within whose jurisdiction it is situate having regard to the fact that the order of the appellate authority is also required to be set aside and as the order of the original authority merges with that of the appellate authority.

28. Lt. Col. [Khajoor Singh v. Union of India](#) whereupon the learned counsel appearing on behalf of the appellant placed strong reliance was rendered at a point of time when clause (2) of [Article 226](#) had not been inserted. In that case the Court held that the jurisdiction of the High

Court under [Article 226](#) of the Constitution of India, properly construed, depends not on the residence or location of the person affected by the order but of the person or authority passing the order and the place where the order has effect. In the latter sense, namely, the office of the authority which is to implement the order would attract the territorial jurisdiction of the Court was considered having regard to Section 20(c) of the Code of Civil Procedure as [Article 226](#) of the Constitution thence stood, stating: (AIR p.540, para 16)

‘The concept of cause of action cannot in our opinion be introduced in [Article 226](#), for by doing so we shall be doing away with the express provision contained therein which requires that the person or authority to whom the writ is to be issued should be resident in or located within the territories over which the High Court has jurisdiction. It is true that this may result in some inconvenience to persons residing far away from New Delhi who are aggrieved by some order of the Government of India as such, and that may be a reason for making a suitable constitutional amendment in [Article 226](#). But the argument of inconvenience, in our opinion, cannot affect the plain language of [Article 226](#), nor can the concept of the place of cause of action be introduced into it for that would do away with the two limitations on the powers of the High Court contained in it.’

4. Admittedly, the relief (c) and (d) which is consequential to the impugned Rules in question have not been pressed in these proceedings. So, in other words, the only substantial relief that falls for consideration is the vires of the Veterinary Council of India Rules, 2017, the petitioner would be within its right to challenge the vires of the Rules in the appropriate Court in the State of Maharashtra. We are not inclined to entertain the writ petition, the same is dismissed.

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Dismissed as infructuous.

CHIEF JUSTICE

V. KAMESWAR RAO, J

DECEMBER 10, 2018/aky