

WPA 16999 of 2024

**Anita Paswan @ Anita Devi
Vs.
The State of West Bengal & Ors.**

Md. Sabir Ahmed
Mr. T. Ahmed
Mr. Dhiman Banerjee

... ... for the petitioner

Mr. Somnath Ganguly
Mr. Raja Ram Banerjee

... ... for the State

Supplementary affidavit filed on behalf of the
petitioner be kept with the record.

Learned counsel appearing for the petitioner
submits that the petitioner is aggrieved with the
Superintendent of Police, Dhanbad, being the respondent
no.5 in the instant application for not executing the
warrant issued by the learned Judicial Magistrate,
Purulia against the opposite party namely, Mahangu
Paswan, resident of N.B.C.C. Colony, Parkhabad, Quarter
No.B(5), O.M., near Hanuman Mandir, P.O. – Pathardih,
P.S. – Sudamdih, District – Dhanbad (Jharkhand).

Learned counsel appearing for the State files a
report and submits that no direction can be given to the
Superintendent of Police, Dhanbad (Jharkhand) as his
office is situated outside the territorial jurisdiction of this
Court and thus the writ petition is not maintainable.

Let the report kept with the record.

Heard the learned counsel for the parties.

The basic question which cropped up in this writ petition is the territorial jurisdiction of this Court. Before hearing the matter on merit it is imperative to determine whether this Court has the authority to entertain the petition. The Hon'ble Supreme Court in **Lt. Col. Khajoor Singh Vs. Union of India & Another** reported in **1960 SCC OnLine SC 12** held:

“57..... the only High Court which has jurisdiction to issue a writ or order or direction under Article 226 or Article 32(2-A) against it is the one within the territories under which the act or omission against which relief was sought took place”.

Therefore, the writs under Article 226 do not run beyond the territories in relation to which a High Court exercises jurisdiction and that a High Court cannot issue a writ thereunder unless the person or authority against whom the writ is sought is physically residing or located within the territorial jurisdiction of that High Court.

Thus, upon examination, it is adjudged that this Court lacks territorial jurisdiction over the matter. Consequently, the writ petition being WPA 16999 of 2024 is hereby dismissed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajarshi Bharadwaj, J.)