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

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Date of decision: 22.05.2024

MANISHA SEHRAWAT

....PETITIONER

Vs.

THE VICE CHANCELLOR, ASSAM UNIVERSITY AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present: Mr. Sandeep Singh, Advocate for the petitioner.

Mr. Sushant Kareer, Advocate for respondent No. 3.

JAGMOHAN BANSAL, J (ORAL)

1. The petitioner through the instant petition under Articles 226/227 of the Constitution of India is seeking direction to respondent No. 1 to consider her claim for financial assistance along with other consequential benefits.
2. The petitioner is claiming Financial Assistance from Assam University, Silchar Campus, Assam. The husband of the petitioner was working with Assam University. He worked there from 2013 to 2023.
3. On being asked, learned counsel for the petitioner submits that this Court has territorial jurisdiction because respondent is a Central University and petitioner is permanent resident of State of Haryana.
4. I have heard counsels for the parties and with their able assistance perused the record.
5. From the memo of parties, it is evident that there is no respondent who is located within jurisdiction of this Court. The husband of the petitioner was working with Assam University. The application of the petitioner seeking financial assistance has to be processed by University. She has invoked



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jurisdiction of this Court on the sole ground that she is resident of State of Haryana.

6. A two Judge Bench of Supreme Court in *Alchemist Ltd. v. State Bank of Sikkim*, (2007) 11 SCC 335 while dealing with question of territorial jurisdiction has held that “part of cause of action” must arise to constitute territorial jurisdiction. High Court cannot invoke writ jurisdiction if no part of cause of action has arisen within its jurisdiction. In the said case, this Court dismissed writ petition despite claim of petitioner that the petitioner company has its registered and corporate office at Chandigarh; the offer of the petitioner company was accepted on 20-2-2004 and the acceptance was communicated to it at Chandigarh; part-performance of the contract took place at Chandigarh inasmuch as Rs 4.50 crores had been deposited by the petitioner company in a fixed deposit at Chandigarh as per the request of the first respondent; the Chairman and Managing Director of the first respondent visited Chandigarh to ascertain the bona fides of the petitioner company; negotiations were held between the parties in the third week of March, 2005 at Chandigarh; and letter of revocation dated 23-2-2006 was received by the petitioner company at Chandigarh. The petitioner company filed SLP before Supreme Court which came to be dismissed. The relevant extracts of the judgment read as:-

“6. The High Court dismissed the writ petition only on the ground that it did not have territorial jurisdiction to entertain the writ petition as no cause of action had arisen within the territorial jurisdiction of the Court. The High Court did not enter into merits of the matter and granted liberty to the appellant Company to seek appropriate remedy before an appropriate court.



7. *The said decision of the High Court is challenged by the appellant Company in this appeal. We have heard the learned counsel for the parties.*

8. *The appellant Company contended that a part of cause of action had arisen within the territorial jurisdiction of the High Court of Punjab and Haryana. The appellant Company, for such submission, relied on the following facts:*

(i) the appellant Company has its registered and corporate office at Chandigarh;

(ii) the appellant Company carries on business at Chandigarh;

(iii) the offer of the appellant Company was accepted on 20-2-2004 and the acceptance was communicated to it at Chandigarh;

(iv) part-performance of the contract took place at Chandigarh inasmuch as Rs 4.50 crores had been deposited by the appellant Company in a fixed deposit at Chandigarh as per the request of the first respondent;

(v) the Chairman and Managing Director of the first respondent visited Chandigarh to ascertain the bona fides of the appellant Company;

(vi) negotiations were held between the parties in the third week of March, 2005 at Chandigarh;

(vii) letter of revocation dated 23-2-2006 was received by the appellant Company at Chandigarh. Consequences of the revocation ensued at Chandigarh by which the appellant Company is aggrieved.

It was, therefore, submitted that at least a part of cause of action had certainly arisen within the territorial jurisdiction of the High Court of Punjab and Haryana and hence it had jurisdiction to entertain the petition. It was, therefore, submitted that the impugned order passed by the High Court



deserves to be set aside by directing the Court to decide the writ petition on merits.

9. The respondents, on the other hand, submitted that neither of the above facts nor circumstances can be said to be a part of cause of action investing jurisdiction in the High Court of Punjab and Haryana. According to the respondents, all substantial, material and integral facts constituting a cause of action were within the territory of the State of Sikkim and, hence, the High Court of Punjab and Haryana was fully justified in holding that it had no territorial jurisdiction to entertain, deal with and decide the lis between the parties.

10. The respondents, in this connection, relied upon the following facts:

- (i) registered and corporate office of the first respondent Bank is at Gangtok i.e. Sikkim;*
- (ii) secretariat of the second respondent State is situated at Gangtok i.e. Sikkim;*
- (iii) offers were called for from various parties at Gangtok;*
- (iv) all offers were scrutinised and a decision to accept offer of the appellant Company was taken by the first respondent Bank at Gangtok;*
- (v) the State Government's decision not to approve the proposal of the appellant Bank was taken at Gangtok;*
- (vi) the meeting of the Board of Directors of the first respondent Bank was convened at Gangtok and a resolution was passed to withdraw the letter dated 20-2-2004 at Gangtok;*
- (vii) a communication was dispatched by the first respondent Bank to the appellant Company on 23-2-2004 from Gangtok.*

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12. Before entering into the controversy in the present appeal, let the legal position be examined:



Article 226 of the Constitution as it originally enacted had twofold limitations on the jurisdiction of High Courts with regard to their territorial jurisdiction. Firstly, the power could be exercised by the High Court “throughout the territories in relation to which it exercises jurisdiction” i.e. the writs issued by the court cannot run beyond the territories subject to its jurisdiction. Secondly, the person or authority to whom the High Court is empowered to issue such writs must be “within those territories”, which clearly implied that they must be amenable to its jurisdiction either by residence or location within those territories.

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26. In Union of India v. Oswal Woollen Mills Ltd. [(1984) 2 SCC 646 : 1984 SCC (Cri) 348 : AIR 1984 SC 1264 : (1984) 3 SCR 342] the registered office of the Company was situated at Ludhiana, but a petition was filed in the High Court of Calcutta on the ground that the Company had its branch office there. The order was challenged by the Union of India. And this Court held that since the registered office of the Company was at Ludhiana and the principal respondents against whom primary relief was sought were at New Delhi, one would have expected the writ petitioner to approach either the High Court of Punjab and Haryana or the High Court of Delhi. The forum chosen by the writ petitioners could not be said to be in accordance with law and the High Court of Calcutta could not have entertained the writ petition.

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37. From the aforesaid discussion and keeping in view the ratio laid down in a catena of decisions by this Court, it is clear that for the purpose of deciding whether facts averred by the appellant-petitioner would or would not constitute a part of cause of action, one has to consider whether such fact

constitutes a material, essential, or integral part of the cause of action. It is no doubt true that even if a small fraction of the cause of action arises within the jurisdiction of the court, the court would have territorial jurisdiction to entertain the suit/petition. Nevertheless it must be a “part of cause of action”, nothing less than that.

38. In the present case, the facts which have been pleaded by the appellant Company, in our judgment, cannot be said to be essential, integral or material facts so as to constitute a part of “cause of action” within the meaning of Article 226(2) of the Constitution. The High Court, in our opinion, therefore, was not wrong in dismissing the petition.

39. For the foregoing reasons, we see no infirmity in the order passed by the High Court dismissing the petition on the ground of want of territorial jurisdiction. The appeal, therefore, deserves to be dismissed and is accordingly dismissed. In the facts and circumstances of the case, however, we leave the parties to bear their own costs.

7. In view of afore-stated facts and findings, this Court is of the considered opinion that no part of cause of action has arisen within jurisdiction of this Court, thus, present petition is not maintainable. The petitioner is at liberty to approach to the Court of competent jurisdiction.

8. Dismissed with liberty as aforesaid.

22.05.2024
manoj

[JAGMOHAN BANSAL]
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No