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

+ W.P.(C) 13086/2024

AANCHAL JAIN

.....Petitioner

Through: Mr. Yogesh Sharma and Mr.
Yogeshwer Singh, Advs.

versus

STATE OF HARYANA THROUGH REGIONAL TRANSPORT
OFFICER & ANR.

.....Respondents

Through: None.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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18.09.2024

1. The petitioner in the instant writ petition has prayed for the following relief:-

"1. Issue writ of mandamus or any other appropriate writ to the respondents for taking action as per motor vehicles act, 1988 on representation of the petitioner dated 13.05.2024."

2. The petitioner is essentially aggrieved by the alleged inaction of the respondent no.1 in not considering the representation of the petitioner. Admittedly, the office of respondent No. 1 is situated outside the territorial jurisdiction of this Court.

3. Learned counsel for the petitioner makes a reference to the following reasons in the writ petition to submit that this Court has the requisite jurisdiction to adjudicate the case at hand:-

a) The petitioner resides within the territorial jurisdiction of this Court.

b) The vehicle in question was sold and all the documentation and other formalities pertaining to the vehicle were carried out within the territorial limits of this Court.



4. As per the petitioner, a part of cause of action has arisen within the territorial jurisdiction of this Court and therefore, he seeks for issuance of a writ in the nature of *mandamus*.

5. Upon perusal of the record, it is seen that the vehicle in question has admittedly been registered in the State of Haryana. The petitioner had sold the said vehicle to respondent no.2 which situates in the State of Haryana. The petitioner avers that despite selling the vehicle to respondent no.2 which was subsequently sold by the said respondent as per its website, the registration of vehicle is still shown to be in the name of the petitioner.

6. The Court is of the considered opinion that assuming a slender part of cause of action may have arisen within the territorial jurisdiction of this Court, however, the integral, material and essential part of cause of action has arisen within the territorial jurisdiction of the State of Haryana.

7. The Supreme Court in the case of ***Kusum Ingots & Alloys Ltd. v. Union of India***¹ has held that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of *forum conveniens*. Recently, a similar view has been reiterated by the Supreme Court in the case of ***State of Goa v. Summit Online Trade Solutions (P) Ltd***².

8. In another decision, in the case of ***Bharat Nidhi Limited v. Securities and Exchange Board of India & Ors***³, while dealing with the aspect of

¹ (2004) 6 SCC 254.

² (2023) 7 SCC 791.

³ 2023 SCC OnLine Del 8073.



entertainability of a writ petition and the territorial jurisdiction, this Court, while taking into consideration catena of judicial pronouncements and analysing the law pertaining to Article 226(1) and 226(2) of the Constitution of India, has held as under:-

“67. Thus, the salient aspects which emerge out of the aforesaid discussion can be delineated forthwith as:

“(i) Article 226(2) does not take away the right of a High Court to dismiss a case on grounds of forum non-conveniens. The principles of forum non-conveniens and that of Article 226(2) operate in different field, where Article 226(2) (originally Article 226(1A)) was inserted to solve the problem of a litigant needing to go to a High Court where the seat of government authority was present.

(ii) In other words, merely because Article 226(2) allows jurisdiction to be conferred on a High Court in the absence of the seat of a government authority being under its jurisdiction; this does not in itself mean that the presence of a seat shall automatically grant jurisdiction.

(iii) Article 226(2) allows jurisdiction to be conferred if the cause of action, either in part or whole, had arisen in the jurisdiction of a High Court, however, where the purported cause of action is so minuscule so as to make a particular High Court non-convenient, it is then that the concept of forum non-conveniens applies.

*91. On the above conspectus, it is clearly seen that the question whether cause of action has arisen within the territorial jurisdiction of a court, has to be answered based on the facts and circumstances of the case. **The cause of action, thus, does not comprise of all the pleaded facts; rather it has to be determined on the basis of the integral, essential and material facts which have a nexus with the lis.***

*92. It is also a settled proposition of the law that the location where the tribunal/appellate authority/revisional authority is situated would not be the sole consideration to determine the situs of the accrual of cause of action, ignoring the concept of forum conveniens in toto. **Hence, even if a small part of the cause of action is established, and the same is found to be non-integral or non-material to the lis, the court may invoke the doctrine of forum non-conveniens and decline to exercise its writ jurisdiction, if an alternative, more efficacious forum for the same exists.***

9. Furthermore, in the case of ***Pune Buildtech (P) Ltd. v. Bank of***



*India*⁴, this Court took a view that the substance of a matter is significant in determining the material, essential or integral part of the cause of action and the Constitutional Courts are saddled with a duty to prevent the abuse of jurisdiction by the parties. The relevant paragraphs of the said decision read as under:-

“56. Considering the discussion hereinabove, it is crystallised that in order to confer jurisdiction to the constitutional courts under Article 226 of the Constitution, a material, essential or integral part of the cause of action must arise within their jurisdiction. To determine a material, essential or integral part of the cause of action, it is the substance of the matter that becomes relevant. Also, the objection to the jurisdiction of this court can be raised at any stage of proceedings, as has been held by the Hon'ble Supreme Court in the case of Jagmittar Sain Bhagat v. Health Services, Haryana.

62. It is pertinent to mention that as per the legislative intent and constitutional scheme enshrined under the provisions of Article 226 of the Constitution of India, it is crystallised that the cardinal duty imposed on the constitutional courts is to prevent the abuse of their jurisdiction by the parties and relegate back the parties to the forum where a material, essential or integral part of cause of action has arisen.”

[Emphasis supplied]

10. In view of the aforesaid, the Court is not inclined to entertain the instant petition and instead, grants liberty to the petitioner to take an appropriate recourse before the jurisdictional High Court/ forum. The petition stands dismissed.

11. All other rights and contentions of the parties are left open.

PURUSHAINDRA KUMAR KAURAV, J

SEPTEMBER 18, 2024/p

⁴ 2023 SCC OnLine Del 8112.