

a
13.05.2025.
10
Ct.No.7.
as

WPA 25389 of 2022

Sunil Kumar Agarwal
Vs.
The State of West Bengal & Ors.

Mr. Saunak Sarbajna,
Mr. Akash Dutta.
...for the Petitioner.

Mr. Anirban Roy (VC),
Mr. Varun Kothari,
Mr. Sidhartha Sharma,
Mr. Rishav Dutt,
Ms. Ayesha Iman.
...for the Respondents.

1.The petitioner has challenged the summon issued by the learned Judicial First Class Magistrate, Tekkali, Srikakulam, Andhra Pradesh, in connection with Criminal Case No. 169 of 2019. The case was registered under Section 32 of the Drugs and Cosmetics Act, 1940, along with the Rules framed thereunder, for the alleged contravention of Section 18(a)(i) read with Section 16 of the said Act, which is punishable under Section 27(d) of the Drugs and Cosmetics Act, 1940.

2. The petitioner submits that he has been falsely implicated in the said case and is now being compelled to undergo a procedural rigmarole. Therefore, in order to avoid unnecessary harassment and hardship arising out of such proceedings, the petitioner has been forced to file the present writ petition.

3. Mr. Roy, learned advocate appearing for the respondents through virtual mode, has raised a preliminary objection regarding the maintainability of the present writ petition. He submits that this Hon'ble Court lacks territorial jurisdiction to entertain the writ petition. In support of his contention, he cites a decision of the Hon'ble Supreme Court in *Alchemist Ltd. & Anr. vs. State Bank of Sikkim & Ors.*, reported in (2007) 11 SCC 335.

4. Heard the learned Advocates appearing for the respective parties and peruse the materials on record.

5. Territorial jurisdiction refers to a court's authority to hear and decide cases within a specific geographic area, based on factors such as the location of the parties, the subject matter, and the nature of the dispute. A High Court's territorial jurisdiction is co-terminous with the territory of its State, and while it can issue writs outside its jurisdiction, it can only do so if the cause of action, wholly or partially, arises within its jurisdiction.

6. Article 226(2) of the Constitution of India granted the High Courts the jurisdiction to issue writs if the cause of action arises, wholly or in part, within its territory, even if the government, authority, or person is not located within that territory.

7. In the decision of *Alchemist Ltd. (supra)*, the Hon'ble Supreme Court emphasized that in determining whether the facts averred by the petitioner constitute part of the cause of action, one must assess whether such

facts are material, essential, or integral to the cause of action. In the present case, no materials have been placed to demonstrate that material, essential, or integral part of the cause of action arose within the territorial jurisdiction of this Court.

8. Therefore, I am of the view that this writ petition is not maintainable and accordingly, the same is dismissed, however, without any order as to costs.

9. However, it is clarified that this order shall not preclude the petitioner from approaching the appropriate forum in accordance with law to have his grievances redressed.

(Partha Sarathi Chatterjee, J.)