



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH, NAGPUR.

WRIT PETITION NO. 3511 OF 2026

Chopda Stores

.Vs.

State of Maharashtra and another

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's Orders.

Court's or Judge's orders.

Mr M. G. Bhangde, Sr. Adv. a/b Mr Ninad S. Lande, Advocate for the
petitioner/s

Mr D. V. Chauhan, Sr. Adv. and GP a/b Mr N. S. Rao, AGP for
respondent Nos.1 and 2/State

CORAM : ANIL S. KILOR AND RAJ D. WAKODE, JJ.

DATED : 28th APRIL, 2026.

Heard.

2. In the present matter, a challenge is raised to the communication dated 13.04.2026 issued by respondent No.2 Collector, Pune, whereby the petitioner has been black-listed for carrying works within Pune District.

3. At the outset, the learned Government Pleader and Senior Advocate Mr. D. V. Chauhan, appearing for the respondent–State, raises a preliminary objection as to the maintainability of the present writ petition before this Bench. He submits that the petition would lie before the Principal Seat at Mumbai, inasmuch as District Pune falls within the territorial jurisdiction of the Principal Seat at Mumbai.

4. In reply, Mr M. G. Bhangade, learned senior Advocate argues that though the order of black-listing is

passed by the Collector Pune, restricting it to Pune District, the effect of the same will be throughout the Maharashtra. He has drawn attention to the tender document filed alongwith the present petition at page 70, wherein, there is a condition No. 9, which says that, name of the bidder shall not be included in the black-list.

5. It is submitted that since the effect of order of black-listing passed at Pune spreads all over Maharashtra, this Court is having jurisdiction to entertain this petition. For this purpose, he has placed reliance upon the judgment passed by the Division Bench of this Court in the case of *Asif S/o. Shaukat Qureshi .v/s. State of Maharashtra and another*, reported in **2017 (2) Mh.L.J. 178** and the judgment of Single Bench of Calcutta High Court in the case of *Amit Mines Private Limited .v/s. Steel Authority of India Limited and others*, reported in **(2024) 1 HCC (Cal) 418**.

6. Having heard both the parties and on perusal of the record it is evident that the impugned communication dated 13.04.2026 is issued by the Collector, Pune. The last para of the said letter makes it amply clear that such black-listing of the petitioner is restricted to Pune District only and not beyond the same.

7. Admittedly, the petitioner has not come up with a case that because of such order any tender was rejected.

8. Thus, this petition is based on apprehension. Moreover, there are no pleadings to the effect that any part of cause of action arose within the jurisdiction of this Court.

9. It is further an admitted fact that Collector, Pune does not have jurisdiction to issue order in respect of whole of Maharashtra and therefore, he has rightly restricted the order of black-listing of petitioner to the extent of Pune District only.

10. In the backdrop of the above referred fact, let us examine the law laid down by this Court as well as High Court of Calcutta in the cases of *Asif S/o. Shaukat Qureshi and Amit Mines Private Limited* (supra) respectively relied upon by the petitioner.

11. This Court in *Asif Qureshi* (supra) has held thus

16. Needless to state that Article 226(2) of the Constitution of India speaks of the territorial jurisdiction of the High Court. It reads thus :

"The power conferred by clause (1) to issue directions, orders or writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories."

It is clear from the above constitutional provision that a High Court can exercise the jurisdiction within the territories within which the cause of action, wholly or in part, arises.

In the present controversy it would not be out of place to mention here provisions of section 41 of the Bombay Reorganisation Act, 1960 and Rule 1 of chapter XXXI of the Bombay High Court Appellate Side Rules which deals with presentation of proceedings in the offices at Nagpur, Aurangabad and Goa. The provisions of section 41 of the Bombay Reorganisation Act, 1960 read with Chapter

XXXI of the Bombay High Court Appellate Side Rules cannot abridge the writ jurisdiction and basically designed to meet administrative requirements and administrative convenience. This provision is in respect of any case arising in the jurisdiction of the High Court Benches at Nagpur, Aurangabad and High Court of Bombay at Goa. In the present case petitioner is prevented from exercising his rights and carrying his activities within the jurisdiction of this High Court also and therefore, in our view, this Court does have territorial jurisdiction to decide the controversy between the parties.

Under Article 226 High Court can exercise the power to issue directions, orders or writs for the enforcement of any of the fundamental rights conferred by Part III of the Constitution or for any other purpose if the cause of action, wholly or in part, had arisen within the territories in relation to which it exercises jurisdiction, notwithstanding that the seat of the Government or authority or the residence of the person against whom the direction, order or writ is issued is not within the said territories. The expression cause of action means bundle of facts which the petitioner must prove, if traversed, to entitle him to a judgment in his favour by the Court.

*17. ******

18. In the instant case, it is not in dispute that jurisdiction of Bar Council of Maharashtra and Goa is all over the State. It is also not seriously disputed that the jurisdiction of Wakf Board functioning under the Wakf Act, 1995 is of the entire State. Petitioner received impugned communication at Nagpur declaring that petitioner has deemed to have vacated the office of the Member of the Board w.e.f. 1st December, 2015 at Nagpur.”

12. While considering the above referred observation, it is necessary to read such observation in the context of the issue involved and the facts in the said writ petition.

13. The aforesaid matter was relating to Wakf board. For the State of Maharashtra the Wakf Board is constituted at Aurangabad, which is having jurisdiction over the complete

Maharashtra. The petitioner, who filed the said petition was the Bar Councillor of Maharashtra and Goa which has jurisdiction over the complete Maharashtra as well as Goa. In the said context, the Court has held that the Nagpur Bench, can entertain the writ petition for removing the petitioner therein from the Wakf Board on expiry of his term as a Bar Councillor for the reason that his tenure as a Member of Wakf board was co-terminus with the term as Bar Councillor.

14. The present matter is distinguishable, as we have observed that, here it is not the case that the Collector, Pune has exercised jurisdiction beyond District Pune. Furthermore, the order of Collector does not suggest that such blacklisting will operate for the whole State of Maharashtra.

15. Similarly, in the case of *Amit Mines (supra)*, the effect of suspension was for other Government Agencies and instrumentalities within the State of West Bengal as well. The phrase “the petitioner shall be restrained from participating in contract for other Government Agencies and instrumentalities within the State of West Bengal as well” shows that the effect of such suspension spreads all over India including West Bengal and in that context the Court has held that Calcutta High Court is having jurisdiction.

16. Whereas, in the present case, there is nothing on record to show that the effect of the impugned order spreads throughout Maharashtra. Therefore, according to us, the said judgment is not of any assistance to the petitioner.

17. The Co-ordinate Bench of this Court in the case of *VSP Aqua Mist Fire Pvt. Ltd., Nagpur .v/s. Maharashtra State Electricity Transmission and others*, reported in, **2010(2) Mh.L.J.575** has held thus:

"6. Shri Deshpande, learned Senior Counsel for the respondent No. 1 has relied on several decisions of the Supreme Court in support of his objection on behalf of respondent No. 3. The learned counsel has relied on the decision in State of Rajasthan and others vs. M/s Swaika Properties and another, reported in (1985) 3 SCC 217 where the Calcutta High Court had entertained a writ petition in respect of a cause of action which has arisen in Jaipur in the State of Rajasthan, ostensibly on the ground that a notice had been served on the petitioner at Calcutta. The Supreme Court deprecated assumption of jurisdiction at Calcutta and held that if the petitioners had felt aggrieved by the acquisition of their lands situated at Jaipur and wanted to challenge the authority of the notification issued by the State Government of Rajasthan under section 152 of the Act, by petition under Article 226 of the Constitution, the remedy of the respondents was to file such a petition before the Rajasthan High Court, Jaipur Bench, where the cause of action, wholly or in part arose. Thereafter, in Oil And Natural Gas Commission vs. Utpal Kumar Basu and others, reported in (1994) 4 SCC 711, the Supreme Court reiterated the same view in respect of a petition entertained by the Calcutta High Court on the basis that the petitioner had contended that it had come to know about the tender at Calcutta, had submitted the tender and revised bids from their registered office at Calcutta and had made demands for justice by communications which were addressed from Calcutta. The tender was issued by the CIL at New Delhi on behalf of the Oil and Natural Gas Commission. The Supreme Court relied on an earlier statement of law in Chand Kaur vs. Partab Singh, reported in ILR (1989) 16 Cal 98 = 15 IA 156, where the Court had observed as follows:

"The cause of action has no relation whatever to the defence which may be set up by the defendant, nor does it depend upon the character of the relief prayed for by the plaintiff. It refers entirely to the ground set forth in the plaint as the cause of action, or, in other words, to the media upon which the plaintiff asks the Court to arrive at a conclusion in his favour."

In parting, their Lordships observed the importance of why a Court should not exercise jurisdiction unless the cause of action has arisen wholly or partly within its territorial jurisdiction as follows:

"It must be remembered that the image and prestige of a Court depends on how the members of that institution conduct themselves. If an impression gains ground that even in cases which fall outside the territorial jurisdiction of the Court, certain members of the Court would be willing to exercise jurisdiction on the plea that some event, however trivial and unconnected with the cause of action had occurred within the jurisdiction of the said Court, litigants would seek to abuse the process by carrying the cause before such members giving rise to avoidable suspicion. That would lower the dignity of the institution and put the entire system to ridicule. We are greatly pained to say so but if we do not strongly deprecate the growing tendency we will, we are afraid, be failing in our duty to the institution and the system of administration of justice. We do hope that we will not have another occasion to deal with such a situation."

7. Though their Lordships expressed a hope that they would not have another occasion to deal with such a situation, it appears occasions arose again and the decisions are reported in AIR 2000 SC 1812, 2006 Mh.L.J. Vol. 1 184, and 2008(3) SCC 456. It is not necessary to discuss the later decisions because the Supreme Court reiterated the same principles laid down earlier. Applying these decisions to the present case, it is clear that no part of the cause of action has arisen within territorial jurisdiction of this Bench as delineated by the Bombay Appellate Side Rules and the Re-organization Act. Aforesaid rules and Re-organization Act clearly requires that Nagpur Bench will have jurisdiction and powers only in those matters arisen which have in the districts specified therein." (Emphasis supplied)

18. Applying the above referred principle as held in *VSP Acqua, Nagpur* (supra) to the facts of the present case, we are of the opinion that this Court does not have territorial jurisdiction to entertain the present writ petition but the

Principal Seat at Mumbai will have a jurisdiction to entertain this petition.

19. Accordingly, the writ petition stands **disposed of**. Pending applications, if any, also stands disposed of. No order as to costs.

Namrata

[RAJ D. WAKODE, J]

[ANIL S. KILOR, J.]