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IN THE HIGH COURT OF DELHI AT NEW DELHI

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W.P.(C) 652/2026 & CM APPL. 6746/2026

AMIT KUMAR YADAV

.....Petitioner

Through: Mr. Vikas Sharma, Adv.

versus

UNION OF INDIA & ORS.

.....Respondents

Through: Dr. Vijendra Singh Mahndiyan,
CGSC with Maj Anish
Muralidhar (Army), Ms Pallavi
Talwar, GP and Mr. Vaibhav
Singh (Adv.)

CORAM:

HON'BLE MR. JUSTICE ANIL KSHETARPAL

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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11.05.2026

1. The Petitioner previously filed a petition in the High Court of Judicature at Allahabad seeking similar reliefs, which was disposed of 16.09.2025 with the following order:

"1. Heard Shri Amit Kumar Yadav in person and Shri Ved Mani Tiwari, learned counsel for the respondents.

2. The present writ petition has been filed for the following reliefs:-

"(i). Issue a writ, order or direction in the nature of mandamus directing respondents No. 2 and 3 or the CBI to investigate seriously the allegations related to corruption in the above-mentioned unit as specifically alleged by the petitioner in his above-dated complaint letter.

(ii). Issue a writ, order or direction in the nature of mandamus commanding/directing to the respondent Nos. 2 and 3 to further setup an inquiry into other instances of corruption under the command and control of Col Sapna Rana during her tenure as CO 5017 ASC BN (MT)."

3. Learned counsel for the respondents has raised a preliminary objection to the maintainability of the instant petition before this Court. He submits that all the allegations of corruption levelled by



the petitioner against the Commanding Officer and other Officers relates to the period when they were posted in West Bengal and the petitioner was posted as a Sepoy. He was also discharged from service while posted at West Bengal. The mere fact that he is resident of State of Uttar Pradesh will not confer territorial jurisdiction in favour of this Court to entertain the present petition and direct investigation in respect of acts allegedly done beyond the territorial jurisdiction of this Court. He places reliance on a Full Bench Judgment of this Court dated 05.10.2004 in **Rajendra Kumar Mishra vs. Union of India, 2005 (1) ACJ 375**.

4. The aforesaid factual position has not been disputed by the petitioner.

5. In **Rajendra Kumar Mishra vs. Union or India (supra)** the Full Bench has observed as follows:-

"13 . In our opinion merely because the petitioner is presently residing in Ballia this will not give jurisdiction to this Court in view of the Seven Judges Bench decision of the Supreme Court in *Lt. Col. Khajoor Singh v. Union of India*. AIR 1961 SC 532. In paragraph 13 of the aforesaid decision the Supreme Court observed:

"Now it is clear that the jurisdiction conferred on the High Court by Article 226 does not depend upon the residence or location of the person applying to it for relief; it depends only on the person or authority against whom a writ is sought being within those territories. It seems to us, therefore, that it is not permissible to read in Article 226 the residence or location of the person affected by the order passed in order to determine the jurisdiction of the High Court. That jurisdiction depends on the person or authority passing the order being within those territories and the residence or location of the person affected can have no relevance on the question of the High Court's jurisdiction. Thus if a person residing or located in Bombay, for example, is aggrieved by an order passed by an authority located, say, in Calcutta, the forum in which he has to seek relief is not the Mumbai High Court though the order may affect him in Bombay but the Calcutta High Court where the authority passing the order is located. It would, therefore, in our opinion be wrong to introduce in Article 226 the concept of the place where the order passed has effect in order to determine the jurisdiction of the High Court which can give relief under Article 226."

14. The Constitution Bench decisions of the



Supreme Court in K.S. Rashid and Son v. Income Tax Investigation Commission. AIR 1954 SC 207. and in Election Commission v. Salta Venkata Suhba Rao, AIR 1953 SC 210, have held that a writ cannot be issued beyond the territorial jurisdiction of the High Court.

40. For the reasons given above we are of the opinion that the Chief of Army Staff can only be sued either at Delhi where he is located or at a place where the cause of action, wholly or in part, arises.

41. We may mention that a “cause of action” is the bundle of facts which, taken with the law applicable, gives the plaintiff a right to relief against the defendant. However, it must include some act done by the defendant, since in the absence of an act, no cause of action can possibly occur. [Vide Radhakrishnamurthy v. Chandrasekhara Rao, AIR 1966 A.P. 334; Ram Awalamb v. Jata Shankar, AIR 1969 All. 526 (FB), and Salik Ram Adya Prasad v. Ram hakhem and others, AIR 1973 All . 1071.

42. In the present case no part of the cause of action has arisen in U.P. Hence in our opinion the writ petition is not maintainable in this Court. It is accordingly dismissed. The decision of the Division Bench in Kailash Nath Tiwari v. Union of India (supra) in our opinion does not lay down the correct law and is overruled.”

*6. As no part of cause of action for filing the present petition has arisen within the territorial limits of this Court, therefore, we uphold the preliminary objection and **dismiss** the writ petition for want of territorial jurisdiction. However, it is left open to the petitioner to avail remedy before the Court of competent jurisdiction.”*

2. The Petitioner does not dispute that he had sought identical reliefs in the writ petition, which was disposed of by Allahabad High Court.

3. Instead of filing a petition in the High Court of West Bengal, the Petitioner has chosen to file the present writ petition by claiming that the Chief of Army Staff is stationed at New Delhi.

4. This Court has considered the said submission.



5. Merely because the Chief of Army Staff is stationed at New Delhi, the same cannot be the sole ground to invoke jurisdiction of the Delhi High Court, particularly when previous writ petition filed by the Petitioner in Allahabad High Court was disposed of with the aforesaid order.

6. Hence, the present petition is disposed of. The Petitioner, if so advised, may seek appropriate remedy in accordance with law.

ANIL KSHETARPAL, J

AMIT MAHAJAN, J

MAY 11, 2026

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