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

% ***Date of Decision: October 27th, 2026***

\# **CNR No. DLHC010510992026**

\+ **W.P.(C) 15685/2026 & CM APPL. 73465/2026**

SARTHAK BHAGAT .....Petitioner

Through: Mr. Yash Vardhan Kaushik, Adv.

versus

UNION OF INDIA & ORS. .....Respondents

Through: Mr. Mohit Bansal, SPC with Ms. Bhawna, GP, Advs. for R1. Also Mr. Deepank Yadav for UOI.
Ms. Amee Rana, Mr. Yash Karunakaran & Ms. Nivedita Sudheer, Advs. for R-3.

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. The petitioner is aggrieved that his instagram accounts have been disabled by Respondent No.3 without giving any prior notice or opportunity to respond. The only reason communicated to the petitioner reads as follows:

> *"We've disabled your account. You no longer have access to sarthakbhagatttt. Why this happened — Your account, or activity on it, doesn't follow our Community Standards. What this means — No one can see or find your account and you can't use it. All your information will be permanently deleted. You cannot request another review of this decision."*

2. The petitioner further contends that he sought a review of the same through the in-app mechanism, however, the accounts were not

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restored, nor were any specific reasons for their disablement provided.

3. It is also contended that the petitioner filed Appeal No. 158340/2026 before Respondent No. 2, the Grievance Appellate Committee, on 11.09.2026 under Rule 3A of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021. It is further the case of the petitioner that despite the expiry of the thirty-day period contemplated under Rule 3A(4) of the said Rules, the appeal remains pending without any hearing or communication from Respondent No. 2.

4. At the very outset it is pertinent to note that the petitioner, by way of the present petition, has sought certain reliefs against Respondent No.3, Meta Platforms India, which is a private entity. The petitioner has failed to persuade this Court as to how a writ petition is maintainable against Respondent No.3.

5. It is well settled that a writ petition under Article 226 of the Constitution is maintainable against any person or entity, including private bodies, if they perform functions that can be considered '*public functions*'.

6. Thus, for a writ to be maintainable against a private entity under Article 226 of the Constitution, it must be demonstrated that the action or conduct of the entity must be in the performance of a public duty or function; the nature of the activity should involve a public interest or be linked to a state obligation; and the function performed by the entity should be integral to state functions or be undertaken by virtue of some power vested by law. The threshold for a private entity to be amenable to writ jurisdiction is that it must undertake functions that are

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fundamentally governmental in nature or are performed by virtue of power vested by law.

7. While the platform provided by Respondent No. 3 plays a significant role in disseminating information and shaping public opinion, its primary function is to provide a platform for expression, with public discourse being a consequence of its operations rather than a public duty. Its operations remain private in nature, and no governmental mandate delegates any traditional State function to it. Respondent No. 3 is neither obligated to provide such a platform in discharge of a public duty nor legally compelled to offer its services, which are voluntary and user-driven. The mere provision of a platform for communication and social interaction does not, by itself, constitute a governmental function or a function integral to the discharge of State responsibilities. (Ref. ***Sanchit Gupta v. Union of India & Anr.*** **: 2024 SCC OnLine Del 5880**)

8. Accordingly, Respondent No. 3 cannot be said to perform a public function or discharge a public duty. Thus, Respondent No.3 is not amenable to writ jurisdiction under Article 226 of the Constitution of India. In the opinion of this Court, the petitioner's legal recourse appears more appropriate for a civil suit, where the petitioner could claim damages, if any.

9. As against Respondent No.1, the relief sought in the present petition is as follows:

> *"issue an appropriate writ, order or direction directing Respondent No. 1 to ensure compliance by Respondent No. 3 with the applicable obligations under the Information Technology Act, 2000 and the IT Rules, 2021, including Rule 4(8) thereof, and to take such action as may be warranted in accordance with law"*

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10. The essence of the relief is to compel regulatory oversight by the government to regulate the activities of Respondent No.3 and ensure its compliance to its obligations under the Information Technology Act, 2000. However, the issuance of a writ of mandamus requires a clear demonstration that there has been a neglect of statutory duty by Respondent No. 1. Mandamus is an extraordinary judicial remedy, utilized specifically to compel a public official or agency to perform a duty that they are legally obligated to perform and have failed to do. The petition must provide concrete evidence of this neglect, which, based on the contentions in the present petition, is not apparent. Without this crucial demonstration of neglect or failure to act as mandated by law, the foundation necessary to support the issuance of a mandamus is lacking.

11. So far as the prayer of the petitioner with regard to timely disposal of its appeal before Respondent No.2 is concerned, the Respondent No.2 is directed to decide the appeal of the petitioner expeditiously.

12. The present petition along with pending applications is disposed of in the aforesaid terms.

AMIT MAHAJAN, J

OCTOBER 27, 2026
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