

(2024) 12 J&K CK 0014

High Court Of Jammu And Kashmir And Ladakh At Jammu

Case No: LPA No. 229/2023

Tirath Ram

APPELLANT

Vs

1. Union of India through  
Secretary to Government, Home  
Department & Ors.

RESPONDENT

**Date of Decision:** Dec. 11, 2024

**Acts Referred:**

- Constitution of India 1950 - Article 226

**Hon'ble Judges:** Sanjeev Kumar, J, Puneet Gupta, J

**Bench:** Division Bench

**Advocate:** C M Koul, Arshad Hussain, Sohil Ayaz Khan, Vishal Sharma,

**Final Decision:** Dismissed

### Judgement

JUDGMENTTAG-JUDGMENT

Sanjeev Kumar, J

1. Impugned in this appeal filed by the appellant under Clause 12 of the Letters Patent is an order and judgment dated 13.10.2023 passed by the

learned Single Judge of this Court [â€œWrit Courtâ€] in SWP No. 932/2010 titled â€œTirath Ram vs Union of India & Orsâ€, whereby the writ

Court has dismissed the writ petition filed by the appellant for want of territorial jurisdiction.

2. The impugned order is assailed by the appellant primarily on the ground that the writ Court has not appreciated the fact that a part of cause of

action, has accrued to the appellant within the territorial jurisdiction of this Court, where he was supplied the duplicate copies of the relevant

documents and records by the respondents to enable him to file a writ petition.

3. Mr. C M Koul, learned senior counsel would argue that the requisite documents and record which were necessary for challenging his dismissal

were provided to the appellant pursuant to the directions passed by this Court. He would, therefore, argue that at least a fraction of cause of action

has accrued within the territorial jurisdiction of this Court. He places strong reliance upon the judgment of Hon<sup>ble</sup> Supreme Court in case of

“Rajendra Chingaravelu vs R K Mishra, Additional Commissioner of Income Tax and others”, (2010) 1 SCC 457.

4. PER CONTRA, learned counsel appearing for the respondents Mr. Vishal Sharma, DSGI would submit that the judgment passed by the writ Court

is well reasoned and in-consonance with the law laid down by the Supreme Court in “Nawal Kishore Sharma vs Union of India” (2014) 9

SCC 329 and the judgment passed by the learned Single Judge of this Court in “Rajesh Kumar Tomar vs Union of India and others”

(WP(C) No. 40/2021 decided on 08.03.2021).

5. Having heard learned counsel for the parties and perused the material on record, we are of the considered opinion that in the instant case, having

regard to the facts and circumstances of the case, no part of cause of action can be said to have accrued to the appellant within the territorial

jurisdiction of this Court. It is not in dispute that the enquiry proceedings, have been conducted by the Commandant 151-Battalion, Central Reserve

Police Force, at Kashipur Silcher, Assam. It is also not-disputed by learned senior counsel for the appellant that all documents relating to the enquiry

including the order of dismissal impugned in the writ petition were furnished to the appellant at the place of enquiry i.e in the State of Assam, which,

obviously, is a place outside the territorial jurisdiction of this Court. The plea of the learned senior counsel appearing for the appellant that the appellant

had lost the original documents supplied to him and was on the intervention of this Court given the copies of the requisite documents in Jammu and,

therefore, this Court has the territorial jurisdiction to entertain the writ petition, is an argument which has no substance. As is rightly held by the writ

Court that the supply of duplicate copies of the documents pertaining to enquiry and dismissal of the appellant, which documents in original stood

already provided to him in Assam, does not result in giving rise to any cause of action or part thereof within the territorial jurisdiction of this Court. The

reliance placed by the writ Court on Nawal Kishore Sharma (supra) is appropriate and the issue does not call for further examination. The learned

Single Bench of this Court having surveyed the entire case law on the territorial jurisdiction vis-à-vis cause of action has in para 16 culled out the

following propositions which for facility of reference are set out below:-

(i) That there is two-fold limitations on the power of the High Court to issue writs under Article 226 of the Constitution:

(a) The power is to be exercised throughout the territories in relation to which the High Court exercises jurisdiction i.e the writs issued by the Courts

cannot run beyond the territories subject to its jurisdiction.

(b) A person or authority to whom the High Court is empowered to issue such writs must be within those territories which clearly implies that they

must be amenable to its jurisdiction.

(This was the position of law till the Constitutional (Fifteenth Amendment) Act, 1963 whereby the concept of cause of action was introduced by

adding clause (2) to Article 226 of the Constitution)

(ii) That the High Court was also conferred the jurisdiction in relation to the territories within which:

(c) Cause of action, wholly or in part arises; and

(d) Even a fraction of cause of action is a part of cause of action and is sufficient enough to vest the jurisdiction in the High Court, provided it arises

within the territories in relation to which the High Court exercises its jurisdiction.

(iii) Cause of action or part thereof or fraction of cause of action must be one which is material, integral or essential part of the LIS.

6. Apart from other propositions laid down, the one which is quite relevant for the discussion on hand is that cause of action or part thereof or fraction

of cause of action must be one which is material, integral or essential part of the LIS. Indisputably what is sought to be challenged by the appellant in

the writ petition is the enquiry proceedings and consequent order of dismissal passed by the respondents. The cause of action or a part of cause of

action or even a fraction of cause of action must be relatable to the aforesaid events. Mere supply of duplicate copies of the documents which were already supplied to the appellant in Silcher Assam does not give rise any cause or cause of action or even fraction thereof to entertain the petition in this Court. It is well settled that "cause of action, means every fact which would be necessary for the plaintiff to prove, if traversed, in order to support his right to a judgment in the Court." It is of course described as a bundle of essential facts necessary for the plaintiff to prove before he can succeed. The cause of action thus gives occasion for and forms the foundation of the suit. The writ petition filed by the appellant is not with regard to any failure of the respondents to supply the documents applied for but the dispute raised by the appellant before the writ Court is that the enquiry proceedings which resulted into termination of the appellant are not in accordance with law.

7. It is thus trite that the cause of action or part thereof or even a fraction thereof must be relatable to the LIS and must form material, integral or essential part thereof. The writ Court has very aptly appreciated the legal position and held the writ petition not maintainable for want of territorial jurisdiction of this Court. We find no good reason or justification to take a view different from the one taken by the Writ Court.

8. For all these reasons, we find no merit in this appeal and the same is, accordingly, dismissed. Needless to say that dismissal of this petition for want of territorial jurisdiction shall not dis-entitle the appellant to approach the appropriate jurisdictional Court for redressal of his grievance.