

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

WP(Crl) No. 68/2024

Thakur Ashwani Singh

.....Appellant(s)/Petitioner(s)

Through: Mr. Rahul Sharma, Advocate

Vs

State of Punjab & Anr.

..... Respondent(s)

Through: Mrs. Monika Kohli, Sr. AAG

CORAM: HON'BLE MR. JUSTICE RAHUL BHARTI, JUDGE

**ORDER
(26.05.2025)**

- 01.** Through the medium of this writ petition, the petitioner has come forward invoking article 226 of the Constitution of India seeking directions/orders/writs with respect to the notices as mentioned in the prayer part of the writ petition.
- 02.** The two writ respondents named are the State of Punjab through its Chief Secretary and its Assistant Commissioner of Police, Security Jalandhar.
- 03.** Both the writ respondents are not located within the territorial limits of the High Court of Jammu & Kashmir and Ladakh.
- 04.** In the entire writ petition, there is not even a whisper of line as to whether the writ petition is being maintainable

in the High Court of Jammu & Kashmir and Ladakh on account of cause of action having accrued within the territorial limits of the High Court of Jammu & Kashmir and Ladakh or part of cause of action has arisen.

- 05.** Obviously, the State of Punjab and the Assistant Commissioner of Police, Security Jalandhar could not have been pleaded by the petitioner that they are the functionaries within the territorial limits of High Court of Jammu & Kashmir and Ladakh.
- 06.** Thus, the petitioner self-invited the dismissal of this writ petition before it came to be filed by omitting to make any pleading worth name for this court to assume the jurisdiction in the matter and examine the matter on merits for which purpose the petitioner came forward seeking quashment of impugned notices, hence, this writ petition is found to be not maintainable before this court on account of lack of territorial jurisdiction.
- 07.** Learned counsel for the petitioner submits that law of writs is not bound by any law of pleadings in the sense that there is no mandate upon a petitioner to plead in a writ petition that how the jurisdiction of a given High Court in terms of exercising writ jurisdiction under article 226 of the Constitution of India is being invoked.

08. Learned counsel for the petitioner refers to **Rule 2 of the Writ Proceedings Rules, 1997** to plead that the writ proceedings rules do not mandate a petitioner to plead cause of action related averments in the writ petition.
09. The writ proceedings rules as being read and understood by learned counsel for the petitioner is nothing but a very pedantic reading of the rules as if article 226 of Constitution of India is sub-serving to the writ proceedings rules.
10. Article 226 of Constitution of India in terms of its clause-1 says loud and clear that every High Court shall have power, throughout the territories in relation to which it exercises jurisdiction, to issue to any person or authority, including in appropriate cases, any Government, within those territories directions, orders or writs.
11. Article 226 clause-1 of the Constitution of India is thus, loaded with a requirement that any given High Court is to exercise writ jurisdiction provided the person or authority/ies is/are within the territorial domain of said jurisdiction and if **ex-facie** the persons or authorities are not falling within the domain of the said jurisdiction then it becomes an unavoidable compulsion for a writ petitioner to first assert and allege that how come an extra-territorial located person or authority is being

intended to be subjected to writ jurisdiction of a given High Court.

12. This writ petition is, accordingly, ***dismissed***. However, the dismissal of writ petition shall not be read as prejudicial to the pendency of the writ petition filed by the petitioner bearing **WP(Crl) No. 8/2025** which is said to have been filed as a matter of subsequent development on account of registration of FIR No. 275/2024 dated 24.11.2024 registered by the Police Station, Navi Baradari, CP Jalandhar, State of Punjab.

13. ***Dismissed.***

JAMMU
26.05.2025
SUNIL



(RAHUL BHARTI)
JUDGE

HIGH COURT
OF JAMMU & KASHMIR AND LADAKH