



HIGH COURT OF JUDICATURE FOR RAJASTHAN AT JODHPUR

S. B. Civil Writ Petition No. 6607/2026



PETITIONER:

Vikas Wadhwa S/o Rajesh Wadhwa, Aged About 43 years, R/o 83 D Block, Ward No. 06, Gajsinghpur City, Padampur, Ganganagar (Raj.)

(Presently working at Zonal Office, Mogha Zone, Punjab).

----Petitioner

Versus

RESPONDENTS:

1. Punjab and Sind Bank, through General Manager, Corporate Office, Block 3M, NBCC Building, 2Nd Floor, Plate B, East Kidwai, Nagar, New Delhi-110023.
2. Deputy General Manager (HRD), Punjab and Sind Bank, Zonal Office, Mogha Branch.

----Respondents

For Petitioner : Mr. Madhav Vyas Advocate.
For Respondents : Mr. Vikas Balia Senior Advocate
assisted by Prateek Charan Advocate
and Mr. Rajat Arora Advocate.

HON'BLE MR. JUSTICE ANAND SHARMA

Judgment

21/04/2026

1. Although the instant petition has come up on an application under Article 226(3) of the Constitution of India, yet during the course of arguments, a preliminary objection with regard to maintainability of the writ petition on account of lack of territorial jurisdiction was raised on behalf of the respondents, therefore, with the consent of learned counsel for the parties, arguments were heard on such preliminary objection.

2. Petitioner has filed the present writ petition with following prayers:



"It is, therefore, most humbly prayed that the present petition for writ in the nature of mandamus may kindly be allowed and; by an appropriate writ, order or direction:

(i) The order dated 20.03.2026 (Annx.12) may kindly be quashed and the same may kindly be set aside.

(ii) The respondents may kindly be directed to permit the petitioner to discharge his duties at Zonal Office, Moga Zone.

(iii) Any other writ or direction that may be deemed fit, just and proper in the facts and circumstances of the case may kindly be issued in favour of the petitioner.

(iv) Costs may kindly be awarded."

3. At the threshold, Mr. Vikas Balia, learned Senior Counsel appearing for the respondents raised a preliminary objection that since no part of cause of action has accrued in the territory of state of Rajasthan, therefore, this court lacks territorial jurisdiction to entertain and adjudicate the present writ petition. It was submitted that the petitioner is presently posted and residing at Moga, Punjab, while the impugned suspension order dated 20.03.2026 has been passed by the competent authority, i.e., Deputy General Manager (HRD), at the Head Office situated in New Delhi, both of which lie outside the territorial jurisdiction of this Court.

4. It was further argued that the petitioner has failed to plead or establish any integral or material facts constituting a part of the cause of action within the territorial jurisdiction of this Court. Mere assertion of residence or incidental facts is not sufficient to confer jurisdiction unless such facts form an essential part of the cause of action.

5. Learned Senior Counsel submitted that it is settled proposition of law that the High Court can exercise jurisdiction only when the cause of action, wholly or in part, arises within its territorial limits and such facts must be specifically pleaded and demonstrated. In the present case, no such foundational facts have





been disclosed in the writ petition. It was, therefore, contended that since the impugned order has been passed by an authority situated outside the jurisdiction of this Court and no part of the cause of action has arisen within territorial limits of this Court, the writ petition is not maintainable and deserves to be dismissed on the ground of lack of territorial jurisdiction.

Learned Senior Counsel relied upon judgment dated 07.08.2023 delivered by the Division Bench of this Court in **M/s Divya Upchar Sansthan & Others vs. Directorate General of Goods and Service Tax Intelligence & Others (D.B. Civil Writ Petition No. 8526/2022)** as well as recent judgment dated 26.02.2026 passed by the Co-ordinate Bench of this Court at Jaipur Bench in **Surendra Singh vs. The State of Rajasthan & Others (S.B. Civil Writ Petition No. 21768/2013)**.

7. Per contra, Mr. Madhav Vyas, learned counsel for the petitioner opposed the preliminary objection regarding lack of territorial jurisdiction by placing reliance on Article 226(2) of the Constitution of India, contending that a High Court can exercise jurisdiction if the cause of action, wholly or in part, arises within its territorial limits, irrespective of the location of the respondent authority.

8. It was submitted that the expression "cause of action" must be understood in the same sense as under Section 20(c) of the Code of Civil Procedure, i.e., the bundle of material facts which are required to be proved for obtaining relief. For determining territorial jurisdiction, the Court is required to examine only the averments





made in the writ petition, without adjudicating upon their correctness.

9. Reliance was placed upon the judgments of the Hon'ble Supreme Court in **Oil and Natural Gas Commission vs. Utpal**

Umar Basu & Others (1994) 4 SCC 711 and **Kusum Ingots & Alloys Ltd. vs. Union of India & Another (2004) 6 SCC 254,**

wherein it has been held that even if a part of the cause of action arises within the territorial jurisdiction of a High Court, it would be sufficient to confer jurisdiction and such determination must be based on the pleadings in the petition.

10. Applying the aforesaid principles, it was contended that in the present case, a part of the cause of action has clearly arisen within the territorial jurisdiction of this Court. The allegations against the petitioner pertain to his functioning at the branch located within jurisdiction of this Court; the show cause notice, suspension orders and subsequent actions are intrinsically connected with such place and the FIR has also been registered within the territorial limits of this Court. Earlier interim orders passed by this Court in earlier writ petitions were also complied with by the respondents. It was further pointed out that at the time of alleged incidents referred in the impugned order, the petitioner was posted and residing within the jurisdiction of this Court. Learned Counsel submitted that as the impugned order is in furtherance of earlier incidents which took place within the territory of Rajasthan and the fundamental cause as well as facts related to the impugned order are also interlinked and interwoven, therefore, it is established that the impugned action has direct nexus thereto.





11. In view of above, it was submitted by learned counsel for the petitioner that the pleadings clearly disclose that at least a part of the cause of action has arisen within the territorial jurisdiction of this Court and therefore, the objection raised by the respondents is able to be rejected.

12. This Court has given thoughtful consideration to the rival submissions advanced by learned counsel for the parties and perused the material available on record.

13. The objection raised by the respondents goes to the root of the matter, as it pertains to the territorial jurisdiction of this Court to entertain the present writ petition. It is a settled proposition of law that the jurisdiction of a High Court under Article 226 of the Constitution is primarily determined by the situs of the cause of action, wholly or in part, as envisaged under Article 226(2).

14. The expression "cause of action" has consistently been interpreted to mean a bundle of material facts which are necessary for the petitioner to plead and prove in order to obtain the relief claimed. For the purposes of determining territorial jurisdiction, the Court is required to examine the averments made in the writ petition, without entering into the correctness or otherwise of such pleadings. However, it is equally well settled that such facts must constitute integral, essential or material facts forming part of the cause of action and not merely incidental or ancillary facts.

15. In the present case, the admitted position which emerges from the record is that the petitioner is presently posted at Moga, Punjab and is residing there. The impugned order dated 20.03.2026 has been passed by the competent authority, namely the Deputy





General Manager (HRD), at the Head Office of the respondent-Bank situated in New Delhi. Thus, both the situs of the petitioner's posting as well as the authority passing the impugned order fall outside the territorial jurisdiction of this Court.

6. The judgments relied upon by learned counsel for the petitioner, in the cases of **Oil and Natural Gas Commission supra** and **Kusum Ingots & Alloys Ltd. (supra)**, do not advance the case of the petitioner; rather, they reinforce the principle that only those facts which are integral to the cause of action can confer jurisdiction. In the present case, such foundational facts are conspicuously absent.

17. After duly considering the aforesaid two judgments delivered by the Hon'ble Apex Court, Division Bench of this Court in the case of **M/s Divya Upchar Sansthan & Others(supra)** has held as under:

"14. The undisputed facts which emerges from the pleadings are that the petitioner-Firm and its registered office of business is located in the State of Punjab. The authority, who has issued show cause notice to the petitioner-Firm, is located in the State of Punjab. The business transaction of the petitioner-Firm was with respondent No.7- M/s. Gagan Pharmaceuticals, Sriganaganagar, who is located in the State of Rajasthan. The show cause notice has been issued to the petitioner-Firm and service of the same was also effected in the State of Punjab although the show cause notice emanates from the file of the respondent-Department which is common to both the petitioner-Firm and respondent No.7 for issuance of notices. It is also clear that the evasion of the Tax liability on both petitioner-Firm as well as the respondent No.7 is not similar and they are held liable for the violations/infractions respectively at their own ends. The petitioners were receiving the goods for onward sale etc. in the State of Punjab were manufactured by the respondent No.7 in the State of Rajasthan.

16. On a careful scrutiny of the above mentioned facts clearly show that no part of cause of action has arisen within the territorial jurisdiction of this Court. Merely because the petitioner-Firm was having a business transaction with respondent No.7 and certain evasions having been pointed out in the same, will not give any cause of action to the petitioner-Firm to approach this Court by way of filing the present writ petition.





17. Secondly, merely because the show cause notice has been issued to the petitioner-Firm on the basis of a common file maintained by the official respondents, will not be relevant to draw a presumption that part of cause of action has arisen to the petitioner-Firm in the territorial jurisdiction of this Court, merely because on the basis of the same common file, the show cause notice has been issued to the respondent No.7.

19. In view of authoritative pronouncements of the judgments by the Hon'ble Supreme Court, the arguments of learned Sr. Counsel that the proceedings out of the present show cause notice have started from a file of even number from which the proceedings were started against the respondent No.7, has no bearing giving rise to any cause of action to file the present writ petition before this Court. Further, merely because the petitioner-Firm is having a business transaction with respondent No.7, who is located in the State of Rajasthan and on certain transactions, the evasion of duty is alleged will not give any cause of action to the petitioner-Firm for filing writ petition before this Court for the simple reason that the evasion, if any, done by the petitioners were taken note of by the authorities located in State of Punjab and, therefore, they have rightly issued show cause notice to the petitioners for undertaking the proceedings in the State of Punjab."

18. Similarly in the case of **Surendra Singh (supra)**, Co-ordinate Bench of this Court at Jaipur has sustained the objection regarding lack of territorial jurisdiction on the basis of following observations:-

"32. Upon consideration of the various judgments rendered by the Hon'ble Supreme Court and the High Courts, the consistent legal position that emerges is that the invocation of territorial jurisdiction under Article 226 of the Constitution of India is dependent upon the place where the cause of action, wholly or in part, arises, and not merely upon the location of the parties or the place where the order is communicated. Ordinarily, in matters relating to termination of service, the cause of action arises at the place where the disciplinary proceedings are initiated, conducted and concluded, and where the impugned order is passed. The residential address of the employee, by itself, has no nexus with the disciplinary process. In a different factual matrix, for instance, where the charge pertains to wilful absence or abandonment of duty and the charge-sheet or notices are required to be served at the employee's residential address, the place of such service may assume relevance in determining territorial jurisdiction; however, such determination would necessarily depend upon the nature of the charges and the role of service of notice in completing the cause of action.

33. In the present case, the disciplinary proceedings were neither initiated nor conducted within the territorial limits of this Court. The order of termination was issued outside the State and the appeal preferred by the petitioner was also considered and decided outside the jurisdiction of this Court. The petitioner's place of residence does not constitute an essential or integral fact for adjudication of the disciplinary action. The communication of the termination order at the petitioner's residential address merely confers knowledge of the





decision already taken and, at best, furnishes a right to initiate proceedings; it does not, in the facts of the present case, form part of the bundle of material facts constituting the cause of action."

19. A careful reading of the writ petition does not reveal any specific pleading demonstrating that any part of the cause of action, in its material sense, has arisen within the territorial limits of this Court. The petitioner has made general assertions regarding certain events having nexus with a place falling within the jurisdiction of this Court. However, such assertions, even if taken at face value, do not constitute essential or integral facts for conferring territorial jurisdiction to this Court.

20. The cause of action in the present case primarily arises from the passing of the impugned suspension order and its consequences. Both these aspects are clearly located outside the territorial jurisdiction of this Court. Mere reference to prior events or allegations, which are not directly determinative of the relief sought, cannot be construed as giving rise to a part of the cause of action within jurisdiction of this Court.

21. The contention of the petitioner that the respondents have participated in the proceedings or complied with certain interim directions of this Court also does not confer jurisdiction where none exists in law. Jurisdiction cannot be conferred by consent, acquiescence, or waiver, and the principle of approbation and reprobation cannot override a statutory or constitutional limitation on jurisdiction.

22. This Court also finds substance in the objection raised by the respondents that mere residence of the petitioner or existence of some incidental facts within the State would not, by itself, confer





territorial jurisdiction unless such facts form a material part of the cause of action. The petitioner has failed to demonstrate such nexus.

23. In view of the above, this Court is of the considered opinion that no part of the cause of action, either wholly or in part, as arisen within the territorial jurisdiction of this Court so as to invoke its writ jurisdiction under Article 226 of the Constitution of India.

24. Accordingly, the preliminary objection raised by the respondents is sustained. This Court holds that it lacks territorial jurisdiction to entertain the present writ petition.

25. Consequently, the writ petition is dismissed on the ground of lack of territorial jurisdiction. However, it is made clear that the petitioner shall be at liberty to avail appropriate remedy before the competent Court having jurisdiction in accordance with law.

26. Pending Applications, if any, also stand disposed of.

(ANAND SHARMA),J

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