



2025:DHC:9033-DB



\$~5

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ LPA 576/2025, CM APPL. 57210/2025 & CM APPL. 57211/2025

SH. RAJENDRA PRASAD TYAGIAppellant
Through: Mr. Yashvir Singh, Advocate.

versus

UNION OF INDIA AND ORSRespondents
Through: Mr. Prajesh Vikram Srivastava, SPC
and Mr. Dipanshu Sharma, Advocate
for UOI.
Ms. Vaishali Gupta, Panel Counsel
(Civil) for R-6/GNCTD.

Date of Decision : 8th October, 2025

CORAM:
HON'BLE THE CHIEF JUSTICE
HON'BLE MR. JUSTICE TUSHAR RAO GEDELA

J U D G M E N T

TUSHAR RAO GEDELA, J : (ORAL)

1. Present Letters Patent Appeal has been filed challenging the order dated 25.04.2025 passed by this Court in W.P.(C) 5334/2025 titled "*Rajendra Prasad Tyagi vs. Union of India & Ors.*", wherein the learned Single Judge had dismissed the writ petition while concluding that the assessment of the appellant's entitlement to compensation would entail adjudication of intricate factual aspects requiring evidence to be adduced. Simultaneously, the liberty was granted to the appellant to initiate appropriate civil proceedings.

2. Having heard Mr. Yashvir Singh, learned counsel for the appellant and perusing the impugned judgment, we do not find any merits in the present



appeal to even issue notice at the admission hearing stage.

3. A perusal of the prayers in the underlying writ petition itself reflects that the varied nature of compensation sought by the appellant would, *ipso facto*, require detailed oral and documentary evidence to be adduced not only by the appellant but also by the concerned respondents. The facts as encapsulated by the learned single Judge in the impugned judgment leave no manner of doubt as to the complicated and hotly disputed questions of fact and law which arise in the underlying writ petition. Apart from the fact that it *prima facie* appears from the various causes of action noted by the learned Single Judge, that the civil suit may be the only remedy available to the appellant, there is also a question of whether the suit, if filed even today, would be within limitation.

4. Essentially, the original cause of action appears to have arisen on 21.01.1997 when a search and seizure operation was conducted by the Income Tax Department at multiple locations including Lucknow, Delhi, Bulandshahr, Meerut and Goa targeting not only the appellant but also his family and other associated entities. It appears from the narration of facts that the appellant alleges that respondent nos.3, 4 and 5 provided false information to respondent no.7 (Government of Uttar Pradesh) on the basis whereof an FIR was lodged at the concerned police station in Meerut on 26.10.1997. Subsequently, on the basis of the same information, an investigation was conducted by the respondent nos.8, 9 and 10 and a report thereof was submitted to the Government of India. By the order of the Ministry of Personnel and Grievances dated 18.12.2001, no *prima facie* case was found against the appellant. Thereafter, the appellant appears to have filed certain proceedings before the Commissioner of Income Tax (Appeals) and other related legal remedies, including an appeal before the Income Tax Appellate



Tribunal. It appears that the respondent no.7 also ordered a vigilance enquiry and appointed respondent no.8 as the enquiry officer who further filed a criminal case under Section 13(1)(e) and 13(2) of the Prevention of Corruption Act, 1988, at the concerned police station at Meerut. Similarly, the learned Single Judge has exhaustively noted other facts in relation to proceedings before the Central Administrative Tribunal as well.

5. It is on the basis of the appellant's claim of having been harassed and mentally tortured, coupled with the appellant's allegation that his career, reputation and personal life had been irreparably damaged by the wrongful and malicious prosecution initiated by respondent nos. 1, 2 and 7 and their officers, that the underlying writ petition was filed by the appellant.

6. In order to appreciate as to why the learned Single Judge was impelled to dismiss the writ petition granting liberty to initiate appropriate civil proceedings to the appellant, it would be apposite to note the prayers as sought. The same read thus:

“(a) Issue a Writ order or direction to the Respondents to pay monetary compensation of Rs.8,00,00,000/- (Rupees Eight Crore) for causing wrongful, malicious, illegal prosecution of the Petitioner thereby causing mental and physical torture, loss of dignity and harassment for the last of 26 years;

(b) Issue a Writ order or direction to the Respondents to pay monetary compensation of Rs.2,00,00,000/- (Rupees Two Crore) to compensate the loss of life of the mother of the Petitioner caused by the illegal, unconstitutional and malafide search and seizure operation on 21/01/1997;

(c) Issue a Writ order or direction to the Respondent No.7 to pay monetary compensation of Rs.2,00,00,000/- (Rupees Two Crore) to compensate the loss caused to the Petitioner in not giving him selection grade promotion from 21/10/1999 and super time scale promotion from 17/07/2000 in accordance with law even after the acquittal of the Petitioner and even after the exoneration of the Petitioner from all the enquiries as held by Respondent No.7;

(d) Issue a Writ order or direction to the Respondents No.1, 2, 3, 4, and 6



2025:DHC:9033-DB



to pay monetary compensation of Rs.2,00,00,000/- (Rupees Two Crore) to compensate their illegal and mala fide act in not returning the seized share bonds, gold and silver jewellery, revolver being illegally seized on 21/01/1997, and afterwards, and to return all the seized jewellery, share bonds, revolver etc. to the lawful owners.

(e) Any other order deemed just and proper by the Hon'ble Court may also kindly be passed in favour of the Petitioner and against the Respondents."

7. Having perused the entire record and considering the prayers made, we have no doubt that the impugned judgment is unassailable. The narration of facts itself compels us to firmly conclude that the prayers sought by the appellant cannot be considered or granted by a constitutional court exercising jurisdiction under Article 226 of the Constitution of India. Undoubtedly, each and every fact as narrated in the impugned judgment would necessarily entail the production and adduction of evidence and witnesses, which can only be considered by a civil court having competent jurisdiction to pass a decree.

8. In that view of the matter, we do not find any reason to interfere in the appeal. The same is dismissed. Pending applications, if any, also stand disposed of.

TUSHAR RAO GEDELA, J

DEVENDRA KUMAR UPADHYAYA, CJ

OCTOBER 8, 2025/yrj/rl