



2026:DHC:1451



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

+ **W.P.(C) 5656/2024**

Date of Decision: **11.02.2026**

**IN THE MATTER OF:**

**DHANANJAY KUMAR SINGH**

.....Petitioner

Through: Mr. Sanjeev Bhandari with Mr. Ashutosh Bhardwaj, Advocates along with petitioner-in-person.

versus

**REGISTRAR DEBTS RECOVERY APPELLATE TRIBUNAL & ORS.**

.....Respondents

Through: Mr. Abhishek Gupta, CGSC with Mr. Kumar Kartikey, Mr. Dhananjay Singh & Mr. Chanakya Kene, Advocates.

**CORAM:**

**HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV**

**JUDGEMENT**

**PURUSHAINDRA KUMAR KAURAV, J. (ORAL)**

1. The petition is for the following relief:

*“(a) Allow the present petition;*

*(b) issue writ in the nature of Mandamus, order(s) or direction(s) to the respondents to take appropriate steps for the purpose of getting “List of nominated counsel” alongwith their Email address, Mobile Number and Address for the purpose of Advance Service and Service in the due course, notified/uploaded in the website of the DRT/DRATs pertaining to the matters filed before DRTs within stipulated period as*



*fixed by this Hon'ble Court; and/or alternatively,*

*(c) Appropriate directions be issued to respondent No.1 to exercise power under section 17(1) of the DRT Act 1993 and take appropriate steps for the purpose of getting "List of nominated counsel" alongwith their Email address, Mobile Number and Address for the purpose of Advance Service and Service in the due course, notified/uploaded in the website of the DRT/DRATs pertaining to the matters filed before DRTs within stipulated period as fixed by this Hon'ble Court alongwith their Email address, Mobile Number and Address for the purpose of Advance Service and Service in the due course."*

2. The nature of the directions sought for relates to the administrative functioning of the Debt Recovery Tribunal ("DRT") and the Debt Recovery Appellate Tribunal ("DRAT"). The Court *vide* its order dated 06.05.2025 has also noted certain suggestions made by the petitioner in relation to the functioning of the DRTs and DRATs.

3. It is, however, seen that the petitioner has not, in the first instance approached the DRTs/DRATs, for the issuance of appropriate directions, sought for in the instant writ. There is no, refusal or rejection by the concerned authorities, the review of which, is to be undertaken in the present writ petition. The Supreme Court in ***Saraswati Industrial Syndicate Ltd. and Ors. v. Union of India***,<sup>1</sup> declared that as a general rule, a direction in the nature of a *mandamus*, ought not to be granted, unless the petitioner had previously made a demand before the competent authorities and the same had been refused. The material portion of the judgement reads as under:

*"24. ...Nevertheless, the well-recognised rule that no writ or order in the nature of a mandamus would issue when there is no failure to perform a mandatory duty applies in this country as well. Even in cases of alleged breaches of mandatory duties, the salutary general rule, which is subject to certain exceptions, applied by us, as it is in England, when a writ of mandamus is asked for, could be stated as we find it set out in Halsbury's*

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<sup>1</sup> (1974) 2 SCC 630.



*Laws of England (3rd Edn.), Vol. 13, p. 106):*

“As a general rule the order will not be granted unless the party complained of has known what it was he was required to do, so that he had the means of considering whether or not he should comply, and it must be shown by evidence that there was a distinct demand of that which the party seeking the mandamus desires to enforce, and that that demand was met by a refusal.”

25. In the cases before us there was no such demand or refusal. Thus, no ground whatsoever is shown here for the issue of any writ, order, or direction under Article 226 of the Constitution. These appeals must be and are, hereby, dismissed but in the circumstances of the case we make no order as to costs.

4. In a related context, the Supreme Court in ***Census Commr. v. R. Krishnamurthy***,<sup>2</sup> held that Courts ought not to utilise the writ of *mandamus* to direct framing of policy. The material portion of the said decision reads as under:

“25. Interference with the policy decision and issue of a mandamus to frame a policy in a particular manner are absolutely different....It is not within the domain of the court to legislate. The courts do interpret the law and in such interpretation certain creative process is involved. The courts have the jurisdiction to declare the law as unconstitutional. That too, where it is called for. The court may also fill up the gaps in certain spheres applying the doctrine of constitutional silence or abeyance. But, the courts are not to plunge into policy-making by adding something to the policy by way of issuing a writ of mandamus. There the judicial restraint is called for remembering what we have stated in the beginning. The courts are required to understand the policy decisions framed by the executive. If a policy decision or a notification is arbitrary, it may invite the frown of Article 14 of the Constitution. But when the notification was not under assail and the same is in consonance with the Act, it is really unfathomable how the High Court could issue directions as to the manner in which a census would be carried out by adding certain aspects. It is, in fact, issuance of a direction for framing a policy in a specific manner.”

5. In the facts and circumstance of the case, and the law discussed above, this Court is of the opinion that the petitioner at the first instance must approach the Registrar of the concerned DRTs/DRATs. The concerned Registrar, in turn shall deal with the said grievance and take it to its logical conclusion with due approval from the competent authority. If the grievance

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<sup>2</sup> (2015) 2 SCC 796.



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of the petitioner is not fully mitigated within a reasonable period of time, the petitioner, thereafter, shall be at liberty to take appropriate recourse in accordance with law.

6. With these observations, the petition stands disposed of.

**PURUSHAINDRA KUMAR KAURAV, J**

**FEBRUARY 11, 2026**

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