



2026 :DHC :5503



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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% *Date of Decision: 09.07.2026*+ **W.P.(C) 8743/2026**

CHINTAN AGRAWAL .....Petitioner

Through: Mr. Manu Padalia, Advocate

versus

UNION OF INDIA AND ORS. ....Respondents

Through: Mr. Vijay Joshi, CGSC and  
Mr. Vinay Kaushik, GP**CORAM:****HON'BLE DR. JUSTICE SWARANA KANTA SHARMA****JUDGMENT****DR. SWARANA KANTA SHARMA, J. (Oral)**

1. The present petition has been filed under Article 226 of the Constitution of India, whereby the petitioner has assailed the communication/reply dated 04.08.2025 issued by respondent no. 2 in response to the legal notice dated 24.07.2025 issued by the petitioner. The petitioner has further prayed for a direction to the concerned authorities to correct his date of birth and remove the 'Emigration Check Required' (ECR) status from his passport.

2. Briefly stated, the facts of the present case, as set out in the petition, are that the petitioner was born on 09.11.2003 at G.G. Medical Institute Centre, Agra. It is stated that although his birth certificate, bearing Registration No. 56, was issued by Registrar



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(Births and Deaths), Agra Municipal Corporation, it erroneously recorded his date of birth as 09.09.2003. It is further stated that the said error was corrected on 28.10.2006, whereupon the petitioner's correct date of birth was recorded as 09.11.2003 in the birth records. It is the case of the petitioner that, while applying for his passport, his parents had inadvertently submitted the earlier birth certificate containing the incorrect date of birth, i.e., 09.09.2003. Consequently, the passport was issued in the year 2011 and was subsequently renewed in the years 2016 and 2021 by the Regional Passport Office, Ghaziabad, without any correction in the date of birth. It is further stated that after attaining the age of majority, the petitioner applied for renewal of his passport and, on that occasion, submitted the corrected birth certificate. However, the Regional Passport Office declined to carry out the requested correction and thereafter issued Passport No. C1486940 reflecting the incorrect date of birth. It is stated that, thereafter, the petitioner issued a legal notice dated 24.07.2025 to the respondents seeking correction of his date of birth in the passport. The said request was rejected by the respondents through the impugned reply, which has been challenged in the present petition.

3. At the outset, when the matter was taken up, the learned counsel appearing for the respondents raised a preliminary objection regarding the territorial jurisdiction of this Court to entertain the present petition. Accordingly, this Court has heard the learned counsel for the petitioner as well as the learned counsel for the



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respondents on the limited question of territorial jurisdiction before proceeding further.

4. The learned counsel appearing for the petitioner submits that the impugned reply, which forms the foundation of the present writ petition, rejecting the petitioner's request for correction of his date of birth in the passport, has been issued without due consideration of the documents placed on record. It is further submitted that since the office of the Ministry of External Affairs (MEA) is situated in Delhi, and the Regional Passport Office, Ghaziabad functions under the administrative control and directions of the MEA, this Court has the necessary territorial jurisdiction to entertain the present petition. Reliance has also been placed on the corrected birth certificate, Voter Identity Card, Aadhaar Card, Class X marksheet, and PAN Card, all of which reflect the petitioner's correct date of birth. On these grounds, it is prayed that this Court may hold that it possesses territorial jurisdiction to entertain the present petition.

5. *Per contra*, the learned counsel appearing for the respondents submits that the petitioner's grievance and cause of action arises entirely within the State of Uttar Pradesh. It is contended that the impugned reply was issued by the Regional Passport Office, Ghaziabad, and that the petitioner's birth certificate, passport, Class X marksheet, Aadhaar Card, PAN Card, and Voter Identity Card were all issued by authorities situated in Uttar Pradesh. It is submitted that the mere fact that the office of the Ministry of External Affairs is located in Delhi cannot, by itself, confer territorial



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jurisdiction upon this Court, particularly when the entire cause of action, in its substantive and operative aspects, has arisen within the State of Uttar Pradesh. It is, therefore, prayed that the present petition be dismissed on the ground of lack of territorial jurisdiction, while leaving it open to the petitioner to approach the jurisdictional High Court.

6. This Court has **heard** the learned counsel for the parties on the question of territorial jurisdiction and has carefully perused the material placed on record.

7. The question that arises for consideration before this Court is whether it has the territorial jurisdiction under Article 226 of the Constitution of India to entertain the present writ petition.

8. A perusal of the record reveals that the original birth certificate bearing Registration No. 56 was issued by the office of the Registrar (Births and Deaths), Agra Municipal Corporation, on 20.09.2003. However, the said certificate had recorded the petitioner's date of birth as 09.09.2003, which as per petitioner, was incorrect. Thereafter, an application for correction of the birth certificate was made before the Registrar (Births and Deaths), Agra Municipal Corporation, Agra, and on 28.10.2006, a corrected birth certificate recording the petitioner's date of birth as 09.11.2003 was issued. Further, when an application for issuance of the petitioner's passport was made in the year 2011, the petitioner was a minor and his parents inadvertently submitted the earlier birth certificate allegedly recording the incorrect date of birth. Consequently, the passport was



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issued with the incorrect date of birth and was subsequently renewed in the years 2016 and 2021 without any correction. After attaining majority, the petitioner had approached the Regional Passport Office, Ghaziabad, seeking rectification of his date of birth in his passport. However, the petitioner's request for correction was ultimately rejected by the impugned communication dated 04.08.2025 issued by the Regional Passport Office, Ghaziabad

9. In view of the above facts, it is evident that both the authorities which had issued and subsequently corrected the birth certificate, as well as the Regional Passport Office which declined the petitioner's request for correction, are situated in the State of Uttar Pradesh. Thus, the authorities directly connected with the petitioner's grievance are located outside the territorial jurisdiction of this Court. The petitioner himself is a resident of State of Uttar Pradesh.

10. In *Kusum Ingots & Alloys Ltd. v. Union of India*: (2004) 6 SCC 254, the Hon'ble Supreme Court examined the scope of territorial jurisdiction under Article 226(2) of the Constitution of India and held that the mere location of the seat of the Union Government or the authority concerned does not, by itself, confer territorial jurisdiction upon a High Court. The Court observed that jurisdiction under Article 226 is determined by whether any part of the cause of action has arisen within the territorial limits of the High Court concerned. It was further held that the enactment of a parliamentary legislation or the location of the authority administering such legislation cannot, in itself, constitute a cause of



action. Rather, the cause of action arises only when the implementation of the statute or the action of the concerned authority results in civil consequences for the aggrieved party within the territorial jurisdiction of the Court.

11. Further, the concept of *forum conveniens*, as explained by the Hon'ble Supreme Court in *Kusum Ingots & Alloys Ltd. (supra)* is as under:

“*Forum conveniens*

30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of *forum conveniens*. [See *Bhagat Singh Bugga v. Dewan Jagbir Sawhney* [1941 SCC OnLine Cal 247 : AIR 1941 Cal 670 : ILR (1941) 1 Cal 490], *Madanlal Jalan v. Madanlal* [1945 SCC OnLine Cal 145 : (1944-45) 49 CWN 357 : AIR 1949 Cal 495], *Bharat Coking Coal Ltd. v. Jharia Talkies & Cold Storage (P) Ltd.* [1997 CWN 122], *S.S. Jain & Co. v. Union of India* [1993 SCC OnLine Cal 306 : (1994) 1 CHN 445] and *New Horizons Ltd. v. Union of India* [(1997) 89 Comp Cas 785 : 1993 SCC OnLine Del 564 : AIR 1994 Del 126].]”

12. A similar view was also taken by the Hon'ble Supreme Court in *State of Goa v. Summit Online Trade Solutions (P) Ltd. : (2023) 7 SCC 791*, wherein it has been held as under:

“14. While dealing with an objection as to lack of territorial jurisdiction to entertain a writ petition on the ground that the cause of action has not arisen within its jurisdiction, a High Court essentially has to arrive at a conclusion on the basis of the averments made in the petition memo treating the contents as true and correct. That is the fundamental principle. Bearing this in mind, we have looked into the petition memo of WP (C) No. 38 of 2017 and searched in vain to trace how at least part



of the cause of action has been pleaded by the petitioning company, to have arisen within the territorial jurisdiction of the High Court.

15. This is a case where clause (2) of Article 226 has been invoked by the High Court to clothe it with the jurisdiction to entertain and try the writ petitions. The constitutional mandate of clause (2) is that the "cause of action", referred to therein, must at least arise in part within the territories in relation to which the High Court exercises jurisdiction when writ powers conferred by clause (1) are proposed to be exercised, notwithstanding that the seat of the Government or authority or the residence of the person is not within those territories.

16. The expression "cause of action" has not been defined in the Constitution. However, the classic definition of "cause of action" given by Lord Brett in *Cooke v. Gill* [*Cooke v. Gill*, (1873) LR 8 CP 107] that "*cause of action means every fact which it would be necessary for the plaintiff to prove, if traversed, in order to support his right to the judgment of the court*", has been accepted by this Court in a couple of decisions. It is axiomatic that without a cause, there cannot be any action. However, in the context of a writ petition, what would constitute such "cause of action" is the material facts which are imperative for the writ petitioner to plead and prove to obtain relief as claimed.

17. Determination of the question as to whether the facts pleaded constitute a part of the cause of action, sufficient to attract clause (2) of Article 226 of the Constitution, would necessarily involve an exercise by the High Court to ascertain that the facts, as pleaded, constitute a material, essential or integral part of the cause of action. In so determining, it is the substance of the matter that is relevant. It, therefore, follows that the party invoking the writ jurisdiction has to disclose that the integral facts pleaded in support of the cause of action do constitute a cause empowering the High Court to decide the dispute and that, at least, a part of the cause of action to move the High Court arose within its jurisdiction. Such pleaded facts must have a nexus with the subject-matter of challenge based on which the prayer can be granted. Those facts which are not relevant or germane for grant of the prayer would not give rise to a cause of action conferring jurisdiction on the court. These are the guiding tests.

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21. Even otherwise, the High Court was not justified in dismissing the interim applications. Assuming that a slender part of the cause of action did arise within the State of Sikkim, the concept of *forum conveniens* ought to have been considered by the High Court. As held by this Court in *Kusum Ingots v. Union of India* and *Ambica Industries v. CCE*, even if a small part of the cause of action arises within the territorial jurisdiction of a high court, the same by itself could not have been a determinative factor compelling the High Court to keep the writ petitions alive against the appellant to decide the matter qua the impugned notification, on merit.”

13. The Division Bench of this Court in *Gautam Mondal v. Union of India*: 2026 SCC OnLine Del 191 has held as under:

“16. From the cumulative perusal of the aforesaid precedents, it emerges that the litigant, being *dominus litis*, is entitled to approach the jurisdiction of his choice, where cause of action arises in two or more jurisdictions, however, it is upon the Court's discretion to exercise such jurisdiction, while keeping in mind whether it constitutes an appropriate and convenient forum for adjudication or not.

17. Applying the aforesaid settled legal principles to the facts of the present case, it is evident that both the petitioner and the State Authority (respondent No. 3), on whose report the criminal cases and impugned proceedings were initiated, are situated in the State of West Bengal. The criminal cases forming the predicate offences for issuance of the impugned Detention Order are pending within the territorial jurisdiction of the High Court of Calcutta, and the relevant records pertaining to the petitioner, his alleged criminal antecedents, and the said cases are also located in West Bengal. Furthermore, the petitioner has failed to disclose any cogent reason justifying invocation of the jurisdiction of this Court.

18. In view of the aforesaid discussion, this Court refuses to exercise its discretionary extraordinary jurisdiction, applying the doctrine of *forum conveniens*, and disposes of the present petition with liberty to the petitioner to approach the appropriate Court/forum.”

14. It would also be appropriate to take note of the decision of this



Court in *Suresh Kumar v. Union of India & Ors.*: W.P.(C) 6172/2011, wherein this Court was dealing with a case in which the petitioner, holding a passport issued by the Regional Passport Office, Trivandrum, Kerala had been denied entry into the UAE for the reason of another person having a passport with the same number as on the passport of the petitioner therein, and he was aggrieved by the direction of concerned Passport Office to apply for additional booklet after remitting the prescribed fee. While considering the question of territorial jurisdiction, this Court held as follows:

“3. Upon enquiry as to how this Court would have territorial jurisdiction to entertain the petition, the counsel states that since the petitioner had represented to the Chief Passport Officer at Delhi also, the writ petition is maintainable before this Court. However, admittedly, the letter stated to have been written to the Chief Passport Officer, Delhi was not under any rule or law and merely by way of representation.

4. The Full Bench of this Court in judgment dated 1st August, 2011 in W.P.(C) No.6570/2010 titled Sterling Agro Industries Ltd. Vs. UOI has held that even though the High Court may have jurisdiction to entertain writ petition under Article 226 of the Constitution of India, it can always refuse to exercise jurisdiction if some other High Court is found to be better equipped and providing a convenient forum to deal with the matter.

5. In the present case, the controversy is concerning the Regional Passport Office, Trivandrum and is left to be best dealt with by the High Court of Kerala especially when the petitioner also is a resident of Kerala.

6. The petition is therefore dismissed with liberty to the petitioner to approach the High Court of Kerala.”

15. In the backdrop of the aforesaid principles, the mere fact that the office of the Ministry of External Affairs is situated in Delhi cannot, by itself, confer territorial jurisdiction upon this Court to



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entertain the present petition. The petitioner's birth certificate was issued and corrected by the competent authority in Agra, the passport was issued and renewed by the Regional Passport Office, Ghaziabad, and the impugned communication rejecting the petitioner's request for correction of his date of birth also emanated from the said office situated in Ghaziabad. Thus, the entire bundle of material facts giving rise to the present cause of action has arisen within the State of Uttar Pradesh.

16. Accordingly, this Court is of the considered view that no part of the cause of action has arisen within its territorial jurisdiction. The preliminary objection raised by the respondents regarding the maintainability of the present petition on the ground of lack of territorial jurisdiction is, therefore, sustained.

17. Consequently, the present writ petition is dismissed as not maintainable before this Court, with liberty to the petitioner to avail of such remedies as may be available in law before the appropriate forum, including the High Court of Judicature at Allahabad.

18. The judgment be uploaded on the website forthwith.

**DR. SWARANA KANTA SHARMA, J**

**JULY 09, 2026/ns**

*T.D./T.S.*