



2025:JKLHC-JMU:3062

Serial No. 99

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

WP(C) No. 2685/2025

Sudershan Mehta

.....Petitioner

Through: Mr. Ajay Vaid, Advocate

Vs

Board of Control for Cricket in India (BCCI) & Ors.

.....Respondents

Through: Mr. Sunil Sethi, Sr. Advocate and  
Mr. Rahul Pant, Sr. Advocate with  
Mr. Rajat Gupta, Advocate for R-1 & 2  
Mr. Arif Sikander Mir, Advocate for R-4  
(Through Virtual Mode)

**CORAM: HON'BLE MR. JUSTICE SANJAY DHAR, JUDGE  
ORDER  
(26.09.2025)**

- 01.** The petitioner, through the medium of the present petition, has challenged decision dated 19.09.2025 of respondent No. 3 whereby respondent No. 4 has been declared as nominated representative of Jammu and Kashmir Cricket Association. Challenge has also been thrown to order dated 22.09.2025 of respondent No. 3 whereby nomination application of respondent No. 4 has been held valid. Besides this, the petitioner has challenged order dated 23.09.2025 issued by respondent No. 3 whereby candidature of respondent No. 4 has been declared valid for the post of President in the election of



Board of Control for Cricket in India (hereinafter to be referred to as '**BCCI**') scheduled to be held on 28.09.2025. A direction upon respondents No. 1 and 3 not to allow respondent No. 4 to participate in the election meeting of BCCI scheduled to be held on 28.09.2025 and further restraining him from competing for the post of President of BCCI and finalizing the election process for the post of BCCI has also been sought.

02. Issue notice to the respondents.
03. Mr. Rajat Gupta, Advocate accepts notice on behalf of respondents No. 1 and 2 and Mr. Arif Sikander Mir, Advocate accepts notice on behalf of respondent No. 4.
04. Learned senior counsel appearing for respondents No. 1 and 2 have raised preliminary objections to the maintainability of the writ petition. It has been contended that this Court does not have territorial jurisdiction to entertain the present writ petition as no part of cause of action has arisen within the jurisdiction of this Court. It has been further contended that the petitioner does not have any locus standi to challenge the election for the post of President of BCCI and that writ petition against BCCI is not maintainable.



- 05.** I have heard learned counsel for the parties on the question of maintainability of the writ petition and I have also perused record of the case.
- 06.** The contention raised by learned Senior counsels appearing for respondents No. 1 and 2 with reference to the objection relating to jurisdiction of this Court is that no part of cause of action has arisen within the territorial jurisdiction of this Court. It has been submitted that all the impugned orders have been issued by respondent No. 3 from his office located at Mumbai and, therefore, this Court does not have territorial jurisdiction to entertain the writ petition.
- 07.** Article 226 of the Constitution of India vests powers with the High Courts to issue certain writs including the writs in the nature of Habeas Corpus, Mandamus, Prohibition, quo warranto and Certiorari for the enforcement of any of the rights conferred by Part-III and for any other purpose. The power can be exercised by the High Court throughout the territories in relation to which it exercises its jurisdiction. Clause (2) of Article 226 of the Constitution of India is relevant in the context and the same reads as under:



Article. 226(1) .....

*“(2). The power conferred by clause (1) to issue directions, orders, writs to any Government, authority or person may also be exercised by any High Court exercising jurisdiction in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, notwithstanding that the seat of such Government or authority or the residence of such person is not within those territories.”*

- 08.** From a plain reading of the aforesaid Clause, it is clear that power to issue writs or directions vested with the High Court can be exercised in relation to the territories within which the cause of action, wholly or in part, arises for the exercise of such power, even if the seat of such Government or authority or the residence of such person is not within those territories meaning thereby even if the person or entity against whom a writ or order is issued is beyond the territorial limits of the High court, still then such orders/writs can be issued if it is shown that a part or whole of the cause of action has arisen for exercise of such power within the territorial limits of the High Court.
- 09.** In order to confer jurisdiction upon the High Court to entertain a writ petition, it must be disclosed that the entire facts pleaded in support of the cause of action do constitute a cause so as to empower the court to decide a dispute which has arisen within its jurisdiction. Each and every fact pleaded by the petitioner in his writ



petition does not *ipso facto* lead to the conclusion that those facts give rise to a cause of action within the territorial jurisdiction of the Court unless those facts are such which have a nexus or relevance with the *lis* involved in the case.

10. The Supreme Court in the case of **“Union of India & Ors vs Adani Exports Ltd”**, (2002) 1 SCC 567 while dealing with the issue at hand has observed as under:

*“17. It is seen from the above that in order to confer jurisdiction on a High Court to entertain a writ petition or a special civil application as in this case, the High Court must be satisfied from the entire facts pleaded in support of the cause of action that those facts do constitute a cause so as to empower the court to decide a dispute which has, at least in part, arisen within its jurisdiction. It is clear from the above judgment that each and every fact pleaded by the respondents in their application does not ipso facto lead to the conclusion that those facts give rise to a cause of action within the court's territorial jurisdiction unless those facts pleaded are such which have a nexus or relevance with the *lis* that is involved in the case. Facts which have no bearing with the *lis* or the dispute involved in the case, do not give rise to a cause of action so as to confer territorial jurisdiction on the court concerned. If we apply this principle then we see that none of the facts pleaded in para 16 of the petition, in our opinion, falls into the category of bundle of facts which would constitute a cause of action giving rise to a dispute which could confer territorial jurisdiction on the courts at Ahmedabad.”*



11. Again, the Supreme Court has, in the case of '**Om Prakash Srivastava vs. Union of India**', (2006) 6 SCC 207, observed as under:

*"7. The question whether or not cause of action wholly or in part for filing a writ petition has arisen within the territorial limits of any High Court has to be decided in the light of the nature and character of the proceedings under Article 226 of the Constitution. In order to maintain a writ petition, a writ petitioner has to establish that a legal right claimed by him has prima facie either been infringed or is threatened to be infringed by the respondent within the territorial limits of the Court's jurisdiction and such infringement may take place by causing him actual injury or threat thereof."*

12. From the foregoing analysis of law on the subject, it is clear that in order to vest jurisdiction with the High Court to issue a writ or order against an individual or entity, it has to be shown that a part or whole of the cause of action has arisen within the territorial jurisdiction of the said High court. The cause of action means every fact which it would be necessary for the petitioner to prove, if traversed, in order to support his right to judgment of the court. It does not comprise of every piece of evidence which is necessary to prove each fact but every fact it is necessary to be proved. In other words, it is a bundle of



facts, which taken with the law applicable to them, gives the petitioner a right to claim relief against the respondents. It must include some act done by the respondents, since in the absence of such an act no cause of action would possibly accrue or would arise.

- 13.** In the light of the aforesaid legal position, let us now advert to the facts of the present case. The petitioner has challenged the nomination of respondent No. 4, who has been declared as representative of Jammu and Kashmir Cricket Association in terms of order dated 19.09.2025 issued by respondent No. 3. The petitioner has also thrown challenge to subsequent orders issued by respondent No. 3 whereby nomination of respondent No. 4 has been held valid and his candidature for the post of President to the election of BCCI has been declared valid. None of these decisions have been taken by respondent No. 3 within the territorial limits of this Court. Respondent No. 3, who has issued all these impugned orders, is stationed at Mumbai and all these orders have been issued by him from his office at Mumbai. Merely because the petitioner or for that matter, respondent No. 2-Jammu and Kashmir Cricket Association is stationed within the territorial limits of this Court, does not mean that any part of cause of action has arisen within the



territorial limits of this Court. Even the representation of respondent No. 4 on behalf of J&K Cricket Association would not be a fact, which gives rise to a cause of action because the nomination of respondent No. 4 as representative of J&K Cricket Association has been decided by respondent No. 3 in terms of decision dated 19.09.2025 made by said respondent at Mumbai.

**14.** As already stated, it is not that every fact, which is pleaded in a writ petition, would ipso facto lead to the conclusion that those facts give rise to a cause of action. It is only those facts, which have a nexus or relevance with the *lis* involved in the case that would give rise to cause of action. In the present case, the crucial facts, giving rise to cause of action have arisen beyond the territorial limits of this Court, therefore, this Court does not have territorial jurisdiction to entertain and decide the present writ petition.

**15.** In view of the aforesaid conclusion arrived at by this Court, it would not be appropriate for this Court to go into the merits of the other two objections raised by the learned Senior counsel appearing for respondents No. 1 and 2.



**16.** Accordingly, it is held that this Court does not have territorial jurisdiction to entertain the present petition. The same is, accordingly, **dismissed** leaving it open to the petitioner to approach the Court having jurisdiction to entertain the petition.

**(SANJAY DHAR)  
JUDGE**

**JAMMU  
26.09.2025  
Naresh/Secy.**

