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

% *Judgment reserved on: 18.09.2026*
Judgment pronounced on: 19.11.2026
Judgment uploaded on: 19.11.2026

CNR No. DLHC010444522026

\+ **W.P.(C) 13699/2026 & CM. APP. 63979/2026**

BAMAN RAM KAWASI .....Petitioner

Through: Mr. Jaiwant Patnakar and Mr. Philip John, Advocates

versus

UNION OF INDIA AND ANR. .....Respondents

Through: Mr. Premtosh K Mishra, CGSC, Mr. Krish Bhatia, Mr. Vasu Agarwal, Advocates for R-1/UOI

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J.

1. By way of the present petition, the petitioner is seeking following reliefs:

> "...1. Issue a writ of mandamus or any other appropriate writ, order, or direction directing that the order dated 09.06.2026 passed by Respondent No. 2 in Case No. 219/33/20/2026 ("Disposed with Directions") shall be treated as an interim direction to the District Magistrate And Superintendent of Police, Sukma, to take appropriate actions within eight weeks, but shall not operate as a final disposal of the Petitioner's complaint dated 15.05.2026 (Annexure P-5), and that the complaint shall remain pending before the NHRC until a fresh, reasoned decision is taken.

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> 2. Issue a writ in the nature of mandamus directing Respondent No. 2 to reconsider and take fresh cognizance of the Petitioner's complaint dated 15.05.2026 in accordance with the provisions of the PHRA and in conformity with the principles of natural justice, including by affording the Petitioner an opportunity of hearing before any order of disposal is passed.
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> 3. Issue a writ of mandamus or any other appropriate writ, order or direction directing Respondent No. 1 to take appropriate steps within a reasonable time to ensure that Respondent No. 2 is in a position to effectively discharge its statutory mandate and the concerns raised by GANHRI and the Hon'ble Supreme Court regarding NHRC's effectiveness in grave human rights cases..."

2. The facts of the present case, as set out in the petition, are that the petitioner and other *Adivasi* families of Village Chitlanar, District Sukma, Chhattisgarh, have been peacefully practicing Christianity for about 18 years and have been cultivating their ancestral lands for their livelihood. On 05.03.2026, at about 4:00 PM, a mob, including local *Panchayat* members, allegedly entered the homes of Christian *Adivasi* families and demanded that they either convert to Hinduism or leave the village. Upon their refusal, Shri Santa Barse and Smt. Ayte Barse were allegedly assaulted with *lathis* and were subsequently hospitalized at District Hospital, Sukma. It is stated that the families were also threatened with death. It is alleged that the local police, despite being present, did not intervene. Due to the threats and violence, the petitioner and other affected families, including women, children and elderly persons, were forced to leave the village and take shelter in Sukma town. They have remained displaced and are living in makeshift shelters since then. Between

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06.03.2026 and 12.03.2026, the petitioner and other affected families submitted written complaints to the police authorities and the district administration. It is stated that a news report was also published regarding the incident. Despite repeated complaints, no effective action was allegedly taken. On 17.03.2026, in the presence of police and revenue officials, the mob allegedly threatened the families with death if they returned to the village without renouncing Christianity and accepting Hinduism. It is alleged that the authorities thereafter left without ensuring their safe return. The petitioner had submitted a further complaint on 15.05.2026 to the Commissioner, Bastar Division, Collector and Superintendent of Police, Sukma, among others.

3. Thereafter, on 04.06.2026, a detailed complaint was submitted before respondent no. 2 i.e., National Human Rights Commission [**NHRC**] under Sections 12/13/17/18 of the Protection of Human Rights Act, 1993, which was registered as Case No. 219/33/20/2026. On 09.06.2026, the complaint was disposed of with a direction to transmit it to the concerned authorities and for the District Magistrate and Superintendent of Police, Sukma, to take appropriate action within eight weeks.

4. Aggrieved by the alleged inaction of the authorities and the continued displacement of the petitioner and other affected families, the petitioner has filed the present petition.

5. At the outset, when the matter was taken up for hearing, the

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learned counsel appearing for the respondent no. 1 raised a preliminary objection as to the maintainability of the present petition on the ground that this Court lacks the territorial jurisdiction to entertain the same.

6. The learned counsel appearing on behalf of the respondents argued that the petitioner is a resident of Village Chitlanar, District Sukma, Chhattisgarh, and the affected persons also belong to District Sukma. It was submitted that the alleged incident took place in District Sukma and the allegations regarding assault, threats, displacement and inaction are directed against the local police and the district administration of Sukma only. It is further submitted that the complaints and representations of the petitioner were also submitted to the authorities in Chhattisgarh, and that the impugned order is addressed to, and is to be acted upon by, the District Magistrate and the Superintendent of Police, Sukma. It is, thus, argued that the entire cause of action arose within the State of Chhattisgarh, and no part thereof has arisen within the territorial jurisdiction of this Court, and the mere fact that NHRC is headquartered in Delhi is not sufficient to entertain the present petition. It is further contended that a petition in relation to the same subject matter is pending in the State of Chhattisgarh, a fact that has not been fully disclosed in the present petition, and the petitioner is, thus, guilty of concealment of material facts.

7. *On the other hand*, the learned counsel appearing on behalf of

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the petitioner argues that the petition is directed against the order dated 09.06.2026 passed by respondent no. 2/NHRC, whereby the complaint of the petitioner was disposed of with a direction to the District Magistrate and the Superintendent of Police, Sukma, to take appropriate steps within a period of eight weeks. It is further submitted that the said order was passed by the NHRC at New Delhi, where it has its principal office, and the very decision which is impugned in the present petition was taken within the territorial jurisdiction of this Court. The petitioner, therefore, contends that the jurisdiction of this Court is not being invoked only on the ground that R-1/UOI or R-2/NHRC has its office in Delhi; rather, it is being invoked because the challenge is to a specific decision taken by a statutory authority situated in Delhi, and the reliefs sought in the petition are directed primarily against the manner in which the NHRC dealt with and disposed of the complaint. It is further submitted that the fact that the underlying incident and the concerned district authorities are situated in Sukma, Chhattisgarh, would not by itself exclude the jurisdiction of this Court when a material part of the cause of action, namely, the passing of the impugned order by the statutory authority, has arisen within Delhi.

8. This Court has **heard** arguments addressed on behalf of both the parties and has perused the material available on record.

9. The limited question for consideration at this stage, is whether this Court has the territorial jurisdiction to entertain the present

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petition, with regards to the order dated 09.06.2026 passed by the NHRC, on a complaint relating to incidents which took place in District Sukma, Chhattisgarh.

10. Article 226(1) of the Constitution of India empowers every High Court, within its territorial jurisdiction, to issue appropriate directions, orders or writs to any person or authority, including the Government, for enforcement of fundamental rights and for any other purpose. Article 226(2), on the other hand, permits a High Court to exercise jurisdiction where the cause of action, wholly or in part, arises within its territorial jurisdiction.

11. The expression 'cause of action' refers to the bundle of material facts which the petitioner is required to plead and establish in order to obtain the relief claimed. The mere existence of a fact having some connection with the dispute is not sufficient. The fact relied upon must have a nexus with the subject matter of the challenge and must be material, essential or integral to the relief sought. This position has been reiterated by the Hon'ble Supreme Court in ***State of Goa v. Summit Online Trade Solutions (P) Ltd.:*** *(2023) 7 SCC 791*, as well as in ***Alchemist Ltd. v. State Bank of Sikkim:*** *(2007) 11 SCC 335* and ***Oil and Natural Gas Commission v. Utpal Kumar Basu:*** *(1994) 4 SCC 711*.

12. Furthermore, 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

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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. It was 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. Further, the concept of *forum conveniens* was explained by the Hon'ble Supreme Court in the said decision by way of following observations:

> "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.**..."
>
> (Emphasis added)

13. A Full Bench of this Court in ***Sterling Agro Industries Ltd. v. Union of India:*** *2011 SCC OnLine Del 3162* also summarised the legal position as under:

> "33. ...(c) An order of the appellate authority constitutes a part of cause of action to make the writ petition maintainable in the High Court within whose jurisdiction the appellate authority is situated. **Yet, the same may not be the singular factor to compel the High Court to decide the matter on merits. The High Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of forum conveniens.**
>
> (d) The conclusion that where the appellate or revisional authority is located constitutes the place of forum conveniens as stated in absolute terms by the Full Bench is not correct as it will vary from case to case and depend upon the lis in question."
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> (Emphasis added)

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14. Having regard to the aforesaid principles, this Court has examined the averments made in the petition. The petitioner herein is a resident of Village Chitlanar, District Sukma, Chhattisgarh. The alleged incidents of 05.03.2026 and 17.03.2026 also took place in Village Chitlanar. The injured persons were thereafter treated at the District Hospital, Sukma. The affected families are stated to be living in makeshift shelters in Sukma town. The complaints made between 06.03.2026 and 12.03.2026, and on 15.05.2026, were addressed to the police and district authorities at Sukma and the Commissioner, Bastar Division and the allegations of inaction are directed against the local police and the district authorities at Sukma, Chhattisgarh. The petition itself states that the petitioner is aggrieved by *"the alleged inaction of the authorities and the continued displacement of the petitioner and other affected families"*. Each of these facts, which forms the very foundation of the grievance, pertain to the State of Chhattisgarh.

15. The case details of the NHRC, placed on record, also reveal that the complaint was received online, i.e., through 'HRCNET/ONLINE', and that the complainant, the victims and the place of incident are all recorded as being in Sukma, Chhattisgarh.

16. Further, the operative portion of the impugned order/proceedings dated 09.06.2026 reads as under:

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Action Date	09/06/2026
Authority	To: THE DISTRICT MAGISTRATE COLLECTORATE, SUKMA CHHATTISGARH 494111 Email- dmsukma.cg@gmail.com THE SUPERINTENDENT OF POLICE SP office, composite Building, Kumharras, Sukma, Chhattisgarh SUKMA CHHATTISGARH 494111 EMAIL- sp-sukma.cg@gov.in
Proceeding	This complaint be transmitted to the concerned authority for such actions as deemed appropriate. The authority concerned is directed to take appropriate action within 8 weeks associating to complainant/victim and to inform him/her of the action taken in the matter.

17. Clearly, the impugned order does not adjudicate upon any right or claim of the petitioner. It merely transmits the complaint to the District Magistrate and the Superintendent of Police, Sukma, with a direction to take appropriate action within eight weeks by associating the complainant/victims and to inform them of the action taken. The order is addressed to, and is to be acted upon by, the authorities at Sukma, Chhattisgarh.

18. Insofar as the contention of the petitioner, that this Court has jurisdiction to entertain the present petition since the impugned order was passed by the NHRC at New Delhi and the reliefs in the petition are directed primarily against the manner in which the NHRC dealt with the complaint, is concerned, this Court is unable to accept the same, in light of the facts and circumstances of the case. As noted above, by virtue of the impugned order/action, the NHRC has acted merely as a channel, routing the complaint back to the very authorities at Sukma against whom the grievance is directed. A

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decision on the reliefs claimed as to whether the complaint ought to be treated as pending, whether fresh cognizance ought to be taken, and whether the directions issued to the authorities at Sukma are adequate, would inevitably require an examination of the incidents at Sukma, the alleged inaction of the local police and administration, and the action taken by them pursuant to the impugned directions; and all such facts and records are located in Chhattisgarh. Prayer (1) itself seeks that the impugned order be treated as an *"interim direction to the District Magistrate And Superintendent of Police, Sukma"*. The *lis*, in substance, thus revolves around the events that are alleged to have taken place at Sukma.

19. It is also significant to note that neither the State of Chhattisgarh nor the District Magistrate or the Superintendent of Police, Sukma, against whom the entire grievance of inaction is directed, and who are required to act upon the impugned directions, have been arrayed as a party in the present proceedings by the petitioner.

20. It is also undisputed that NHRC deals with complaints of violation of human rights from across the country, which can be lodged online from any part of India, as was done in the present case. If the contention of the petitioner were to be accepted, every order of the NHRC, concerning an incident anywhere in the country, would be amenable to challenge before this Court merely because the NHRC has its office at New Delhi. In this regard, a Coordinate Bench of this

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Court in ***The Indure Pvt. Ltd. v. Government of NCT of Delhi:*** *2026:DHC:1605*, observed that *"merely because the decision making authority happens to be in Delhi, ought not to be the sole reason"* to entertain a petition, as the location of such authority in Delhi is *"an unchanging constant"*, and doing so would convert this Court into a *"mini-pan-India Superior Court"*. This Bench in ***Rishi Pal v. National Commission for Scheduled Castes:*** *2026:DHC:8157*, where an order of the National Commission for Scheduled Castes passed at New Delhi – rejecting a complaint pertaining to a recruitment process in Haryana – was under challenge, held that the *mere situs* of the Commission in Delhi could not be viewed in isolation, and declined to entertain the petition for want of territorial jurisdiction and on the principle of *forum conveniens*.

21. Further, in ***Suhas Chakma v. National Human Rights Commission:*** *W.P.(C) 4731/2021*, where an order of the NHRC closing a complaint regarding displacement of families in Arunachal Pradesh, by forwarding it to the authorities concerned, was assailed, Coordinate Bench of this Court, *vide* order dated 16.04.2021, observed as under:

> "6. The Court has perused the previous order passed by the NHRC at page 78 of the petition. **It is clear that the main issue relates to the resettlement of the families and also compensation. For these reliefs, the State of Arunachal Pradesh ought to be impleaded as a party. Further, certain assurances given by the State Government are also relied upon by the Petitioner. In view of the said assurances, the earlier complaint before the NHRC was also closed. Considering that the issues relate to an airport in Itanagar,**

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> **there is a long history involving the Chakma families and the State government, this Court is of the opinion that the Petitioners ought to implead the necessary parties and approach the High Court of appropriate jurisdiction for seeking their reliefs. Moreover, the mere fact that NHRC is located in Delhi would not be sufficient to entertain a writ petition before this Court, as per the settled legal position. The NHRC as a national body would also be amenable to jurisdiction even in the appropriate High court.**
>
> 7. The petition is liable to be rejected, leaving the remedies of the Petitioner open to be agitated before the appropriate High Court, in accordance with law.
>
> 8. At this stage, ld. Counsel for the Petitioner submits that the petition may be dismissed as withdrawn, with liberty as aforesaid. Accordingly, the petition is dismissed as withdrawn, with liberty as prayed for. This court has not gone into the merits of the petition and the withdrawal of this petition shall not be construed against the Petitioners."
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> (Emphasis added)

22. In the present case also, even assuming that the passing of the impugned order at New Delhi gives rise to some part of the cause of action within the territorial jurisdiction of this Court, the same is not sufficient to warrant the exercise of writ jurisdiction by this Court, inasmuch as the petitioner, the victims, the place of incident, the authorities concerned and the entire relevant record are all situated in District Sukma, Chhattisgarh. The allegations of the petitioner, and other alleged victims, also pertain to threats of forceful religious conversion of *Adivasi* families living in Sukma. Therefore, the High Court of Chhattisgarh has the most direct and substantial connection with the *lis*, and would be most appropriately placed to examine the grievance of the petitioner.

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23. As regards the submission made on behalf of the respondent no. 1 that proceedings on the same subject matter are pending in Chhattisgarh and have not been fully disclosed in paragraph 14 of the petition, this Court, the present judgment being confined to territorial jurisdiction, refrains from returning any finding on the issue of concealment of any material fact. However, if such proceedings are indeed pending, entertaining the present petition would carry the risk of parallel adjudication and conflicting orders, which further reinforces the opinion of this Court that the courts situated in Chhattisgarh are the appropriate forum.

24. In view of the foregoing discussion, this Court is not inclined to entertain the present petition for want of territorial jurisdiction and on the principle of *forum conveniens*.

25. Accordingly, the present petition, along with pending application(s), if any, stands dismissed, with liberty to the petitioner to avail the remedies available to him in accordance with law before the appropriate forum, including the High Court of Chhattisgarh.

26. It is clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case, or on the other objections raised by the respondents, and all rights and contentions of the parties are left open.

27. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

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