VERDICTUM.IN

2026:DHC:10254

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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. DLHC010445802026

\+ **W.P.(C) 13760/2026 & CM APPL. 64175/2026**

[redacted] .....Petitioner

Through: Mr. Rudra Deosthali, Mr. Gautam Swarup and Ms. Sakshi Pandey, Advocates

versus

UNION OF INDIA & ORS. .....Respondents

Through: Ms. Amrita Prakash, CGSC with Mr. Shiddharth Srivastava, Advocates with Mr. Shivam Sharma, GP for UOI.
Mr Apar Gupta, Ms Pragya Jain, Mr Naman Kumar, Mr Sahil Mander and Mr Rahul, Advocates for R-4.

CORAM:
HON'BLE DR. JUSTICE SWARANA KANTA SHARMA

JUDGMENT

DR. SWARANA KANTA SHARMA, J.

1. By way of the present writ petition, the petitioner, who is a practicing doctor, seeks the following reliefs:

"(a) Issue a writ of mandamus or any other appropriate writ,

VERDICTUM.IN

order, or direction, directing Respondent No. 2 (Google LLC/Google India Private Limited) to forthwith deindex, and permanently disable name-based search functionality globally and across all its platforms, versions, and domains, in respect of the URL https://indiankanoon.org/doc/66728927/ and any other URLs, search results, or indexed content that surfaces in response to a name-based search of [redacted]" and which is associated with the criminal proceedings described herein;

(b) Issue a writ of mandamus or any other appropriate writ, order, or direction, directing Respondent No. 3 (iKanoon Software Development Private Limited / Indian Kanoon) to forthwith disable name-based search functionality on its platform in respect of the document bearing URL https://indiankanoon.org/ doc/66728927/ and any associated records connected to the Petitioner's name, while keeping the said record accessible by case number, citation, court, date, and other purposeful identifiers;

(c) Issue any such further writ, order, or direction as may be necessary to give effect to the directions in (a) to (b) above, including an order in terms of Rule 3(1)(d) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, directing the Respondents to comply with the de-indexing and namebased search restriction directions;

(d) Grant liberty to the Petitioner to seek masking of his name and personal identifiers from the Courts concerned, in respect of orders passed in the criminal proceedings described herein…"

2. Briefly stated, the facts of the present case are that on 17.09.2019, on the basis of a written complaint, FIR No. 265/2019 was registered at P.S. Sonari, District Charaideo, Assam, against the petitioner herein for commission of offences under Sections 493/496/376 of the Indian Penal Code, 1860 [hereafter '**IPC**'], and pursuant thereto, the petitioner was arrested on 18.09.2019. The petitioner had, thereafter, filed Bail Application No. 3007/2019, under Section 439 of the Code of Criminal Procedure, 1973

VERDICTUM.IN

[hereafter '**Cr.P.C.**'] before the High Court of Gauhati, and *vide* order dated 27.09.2019, he was granted bail. It is stated that on 16.11.2019, chargesheet was filed against the petitioner only for offence under Section 498A of the IPC, and the case was registered as PRC Case No. 274/2019. *Vide* order dated 08.01.2021, the learned Judicial Magistrate First Class, Sonari, after hearing the learned counsel for the petitioner and the learned Public Prosecutor on the point of charge, held the charge against the petitioner to be groundless and accordingly discharged him.

3. It is the case of the petitioner that the said order of discharge has attained finality, no challenge having been laid to the same. It is further the case of the petitioner that he is a practising doctor who regularly authors academic and scholarly papers, and that upon a name-based search of "[redacted]", or any proximate permutation thereof, on Google, the aforesaid bail order dated 27.09.2019 passed by the High Court of Gauhati appears as a search result through a link hosted on the platform of Indian Kanoon, i.e. https://indiankanoon.org/doc/66728927/.

4. Aggrieved thereby, the petitioner seeks de-indexing of the said bail order from name-based search results, and disabling of name-based search functionality in respect thereof on the platform of Indian Kanoon. It is averred that the present petition has been filed pursuant to, and in terms of, the directions of this Court in ***Laksh Vir Singh Yadav v. Union of India & Ors.:*** *2026:DHC:4891*, wherein this

VERDICTUM.IN

Court laid down the tests and guidelines governing de-indexing, de-linking and masking of judicial records in cases of acquittal or discharge, and held that such private intermediaries are amenable to writ jurisdiction under Article 226 for enforcement of the fundamental right to informational privacy under Article 21.

5. When the matter was taken up for hearing, preliminary objection with regards to the maintainability of the petition, on account of lack of territorial jurisdiction of this Court, was raised by the learned counsels appearing on behalf of the respondents on advance notice.

6. The learned counsel appearing on behalf of the petitioner argued that respondent nos. 2 and 4, i.e., Google LLC and Indian Kanoon, respectively, are amenable to writ jurisdiction, as the right to privacy, specifically informational privacy, is enforceable against non-State entities as well under Article 226 of the Constitution of India. It was argued that the petitioner, having been discharged, is a private individual who is entitled to the relief of de-indexing, and none of the categories which disentitle a person from such relief apply to him. With regards to the territorial jurisdiction, the learned counsel for the petitioner argued that this Court had the territorial jurisdiction to entertain the present petition since the petitioner is a resident of Delhi, and the bail order in question is accessible through Google and Indian Kanoon in Delhi, where the petitioner resides and suffers the resultant prejudice to his reputation. In this regard, the

VERDICTUM.IN

learned counsel handed over a copy of, and placed reliance upon, the decision of this Bench in ***Kokkanti Venkata Maheswara Reddy v. Google LLC & Ors.***: *2026:DHC:5338*, wherein it was held that this Court possessed the territorial jurisdiction to entertain a petition seeking removal and de-indexing of online news reports pertaining to a settled matrimonial dispute, even though the petitioner therein was a resident of Telangana.

7. *On the other hand*, the learned counsels appearing for the respondents argued that the judicial order in question, of which de-indexing has sought, has been passed by the High Court of Gauhati, and the entire set of criminal proceedings concerning the petitioner, i.e. the registration of the FIR, his arrest, grant of bail, filing of the chargesheet and his eventual discharge, had taken place within the State of Assam. It was therefore vehemently contended that this Court ought not to entertain the present writ petition, since High Court of Gauhati is the appropriate Court of jurisdiction.

8. This Court has **heard** arguments addressed on behalf of the petitioners as well as the respondents, and has perused the material available on record.

9. The question which arises for consideration at this stage is whether this Court has the territorial jurisdiction to entertain the present writ petition, and if so, whether this Court ought to exercise such jurisdiction in the facts of the present case.

10. Article 226(1) of the Constitution of India empowers every

VERDICTUM.IN

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' means that bundle of facts which the petitioner must prove, if traversed, to entitle him to a judgment in his favour, and the question whether a High Court has the territorial jurisdiction to entertain a writ petition must be answered on the basis of the averments made in the petition, as held by the Hon'ble Supreme Court in ***Oil and Natural Gas Commission v. Utpal Kumar Basu:*** *(1994) 4 SCC 711*.

12. However, not every fact pleaded in a petition would constitute a part of the cause of action. In ***Alchemist Ltd. v. State Bank of Sikkim:*** *(2007) 11 SCC 335*, the Hon'ble Supreme Court in this regard held as under:

> "37. From the aforesaid discussion and keeping in view the ratio laid down in a catena of decisions by this Court, it is clear that for the purpose of deciding whether facts averred by the appellant-petitioner would or would not constitute a part of cause of action, **one has to consider whether such fact constitutes a material, essential, or integral part of the cause of action**. It is no doubt true that even if a small fraction of the cause of action arises within the jurisdiction of the court, the court would have territorial jurisdiction to entertain the suit/petition. Nevertheless it must be a "part of cause of action", nothing less than that."
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> (Emphasis supplied)

VERDICTUM.IN

13. The aforesaid principles have been reiterated 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:

> "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."
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> (Emphasis supplied)

14. It is also well-settled that the mere residence of a petitioner, or the place where he carries on his business or profession, is not by itself an integral part of the cause of action. In ***National Textile***

VERDICTUM.IN

Corporation Ltd. v. Haribox Swalram: *(2004) 9 SCC 786*, the Hon'ble Supreme Court held that:

> "...the mere fact that the writ petitioner carries on business at Calcutta or that the reply to the correspondence made by it was received at Calcutta is not an integral part of the cause of action and, therefore, the Calcutta High Court had no jurisdiction to entertain the writ petition".

15. Further, even where a small part of the cause of action arises within the territorial jurisdiction of a High Court, the Court may, in appropriate cases, decline to exercise its discretionary jurisdiction by invoking the doctrine of *forum conveniens*. In ***Kusum Ingots & Alloys Ltd. v. Union of India:*** *(2004) 6 SCC 254*, the Hon'ble Supreme Court held as under:

> "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*."

16. A Full Bench of this Court in ***Sterling Agro Industries Ltd. v. Union of India:*** *2011 SCC OnLine Del 3162 (LB)*, while explaining the contours of the doctrine of *forum conveniens*, observed as under:

> "31. The concept of forum conveniens fundamentally means that it is obligatory on the part of the court to see the convenience of all the parties before it. **The convenience in its ambit and sweep would include the existence of more appropriate forum, expenses involved, the law relating to the lis, verification of certain facts which are necessitous for just adjudication of the controversy** and such other ancillary aspects. The balance of convenience is also to be taken note

VERDICTUM.IN

of."

17. Tested on the anvil of the aforesaid principles, and taking the averments made in the petition as they stand, this Court notes that the only averment in the petition on the aspect of territorial jurisdiction is contained in paragraph 15 thereof, which reads as under:

> "15. This Hon'ble High Court has the requisite jurisdiction to entertain this Writ Petition as the Petitioner is a resident of Delhi."

18. On the other hand, the facts which form the material, essential and integral part of the cause of action in the present case are as follows:

(a) the registration of FIR No. 265/2019 at P.S. Sonari, District Charaideo, Assam;

(b) the passing of the bail order dated 27.09.2019 by the High Court of Gauhati in Bail Application No. 3007/2019, which is the very order of which de-indexing is sought;

(c) the filing of the chargesheet and the passing of the order dated 08.01.2021 by the learned Judicial Magistrate First Class, Sonari, discharging the petitioner, which constitutes the very foundation of the petitioner's claim to the relief of de-indexing; and

(d) the attainment of finality by the said order of discharge.

19. Clearly, each of these facts and circumstances relate to the State of Assam, and have taken place within the territorial

VERDICTUM.IN

jurisdiction of the High Court of Gauhati. The judicial record in question is the record of the High Court of Gauhati, and the record of the underlying criminal proceedings, which would be germane to determine the petitioner's entitlement to the relief sought, is also situated in Assam.

20. As regards the residence of the petitioner in Delhi, in view of the settled position of law discussed above, the same is not a material or integral part of the cause of action, and cannot by itself confer territorial jurisdiction on this Court.

21. Insofar as the contention that the bail order is accessible in Delhi through Google and Indian Kanoon is concerned, this Court notes that a judicial order, once uploaded on the internet, is equally accessible in every part of the country, and indeed across the world. If the mere accessibility of a digitised judicial record at a particular place were to be treated as an integral part of the cause of action, every High Court in the country would possess the jurisdiction to entertain a petition seeking de-indexing of a judicial record of any other Court, irrespective of where the proceedings were conducted or where the record was created. Such an interpretation would render the requirement of the cause of action arising "wholly or in part" within the territories of a High Court under Article 226(2) of the Constitution otiose, and would also encourage forum shopping.

22. This Court has also considered the reliance placed on behalf of the petitioner, on the decision of this Bench in ***Kokkanti Venkata***

VERDICTUM.IN

Maheswara Reddy v. Google LLC & Ors. (*supra*). The relevant portion of the said judgment reads as under:

> "6. Concededly, respondent no. 1, Google LLC, the Resident Grievance Officer of respondent no. 3 YouTube LLC, and the concerned Union Ministry, i.e. the Ministry of Electronics and Information Technology (MeitY), **are situated within the territorial jurisdiction of this Court. The petitioner had also addressed formal notices to Google LLC and MeitY seeking deletion and de-indexing of the impugned links.**
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> 8. It is also a matter of record that the impugned articles are not confined to reports published in the Telugu language. **Several reports have also been published in English by national media houses, including Times of India, The Hindu, NDTV and News18, and are accessible and readable throughout the country, including within the territorial jurisdiction of this Court.**
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> 9. Therefore, it cannot be said that no part of the cause of action has arisen within the territorial jurisdiction of this Court."

23. A reading of the aforesaid judgment reveals that the conclusion arrived at by this Court therein was premised on the peculiar facts and circumstances, which are conspicuously absent in the present case. ***Firstly***, in ***Kokkanti Venkata Maheswara Reddy v. Google LLC & Ors.*** (*supra*), the impugned content comprised online news reports, several of which had been published in English by national media houses, and were thus published for, and read by, a nation-wide readership, including within Delhi. *In the present case*, there is no news report or other publication of which the petitioner complains. The only content in question is a single judicial order dated 27.09.2019 passed by the High Court of Gauhati, which is

VERDICTUM.IN

available on the platform of Indian Kanoon as a reproduction of the judicial record of that Court. ***Secondly***, in the said case, it was conceded that Google LLC, the Resident Grievance Officer of YouTube LLC and MeitY were situated within the territorial jurisdiction of this Court, and the petitioner therein had also addressed formal notices to Google LLC and MeitY seeking deletion and de-indexing of the impugned links. *In the present case*, as per the petitioner's own memo of parties, Google LLC is situated at California, USA and Google India Private Limited at Bengaluru, and no notice or representation appears to have been addressed by the petitioner to any of the respondents prior to filing the present petition. ***Thirdly***, the grievance in ***Kokkanti Venkata Maheswara Reddy v. Google LLC & Ors.*** (*supra*) was directed against news reportage allegedly sensationalising a settled matrimonial dispute, and did not concern the judicial record of any other Court. *In the present case*, the relief sought pertains exclusively to the judicial record of another High Court, which the petitioner himself recognises by seeking, in prayer (d), liberty to approach the 'Courts concerned' for masking of his name and personal identifiers in the orders passed in the criminal proceedings. Therefore, the decision in ***Kokkanti Venkata Maheswara Reddy v. Google LLC & Ors.*** (*supra*) is clearly distinguishable on facts.

24. Moreover, even if it were to be assumed, for the sake of argument, that a slender part of the cause of action has arisen within Delhi, on account of accessibility of the bail order in Delhi, or the

VERDICTUM.IN

location of respondent no. 1 (MeitY) and respondent no. 4 (Indian Kanoon) in Delhi, this Court is of the considered opinion that this Court is not the *forum conveniens* for adjudication of the present dispute, for the reasons that the order which the petitioner seeks to have de-indexed is a judicial order passed by the High Court of Gauhati. Any direction which would regulate the manner in which a judicial record of that Court is accessed or searched would, in the considered opinion of this Court, be most appropriately examined by that Court itself. The Coordinate Bench of this Court in ***Laksh Vir Singh Yadav*** (*supra*), upon which the petitioner has founded his case, had itself directed that the petitioners therein, in respect of whom de-indexing was directed, "*shall be at liberty to seek masking from the concerned Court that rendered the original order or judgment*". The petitioner herein, too, in prayer (d), seeks liberty to approach the 'Courts concerned' for masking. Evidently, the question of masking the bail order dated 27.09.2019 would lie before the High Court of Gauhati. Entertaining the present petition would, therefore, result in the same judicial record being the subject matter of consideration before two different High Courts, with the attendant possibility of overlapping or conflicting directions.

25. Thus, in view of the foregoing discussion, this Court is of the opinion that no material, essential or integral part of the cause of action has arisen within the territorial jurisdiction of this Court. The mere facts that the petitioner resides in Delhi or that the bail order in question is accessible on the internet from Delhi cannot confer

VERDICTUM.IN

territorial jurisdiction upon this Court, when the order sought to be de-indexed has been passed by the High Court of Gauhati, and the entire criminal proceedings, from the registration of the FIR till the discharge of the petitioner, have taken place within the State of Assam. Even otherwise, this Court is of the view that the High Court of Gauhati is the *forum conveniens* for adjudication of the grievance raised by the petitioner.

26. Accordingly, the present petition, along with pending applications, stands dismissed on the ground of lack of territorial jurisdiction, leaving it open to the petitioner to avail such remedies as may be available to him in accordance with law, including by approaching the High Court of Gauhati.

27. It is, however, clarified that nothing expressed hereinabove shall tantamount to an expression of opinion on the merits of the case.

28. The judgment be uploaded on the website forthwith.

DR. SWARANA KANTA SHARMA, J

NOVEMBER 19, 2026/ns