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

% ***Date of Decision: November 02nd, 2026***

\# **CNR No. DLHC010527412026**

\+ **W.P.(C) 16207/2026**

MAYANK JAIN .....Petitioner

Through: Ms. Anjali, Adv.

versus

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

Through: Mr. Piyush Gupta, CGSC with Mr. Atishay Jain, Advs. for R1
Mr. Abhishek K. Singh, Mr. Dhananjay Dutta Shrimali & Mr. Saksham Chaturvedi, Advs. for R-2, 3

CORAM:
HON'BLE MR. JUSTICE AMIT MAHAJAN

AMIT MAHAJAN, J. *(Oral)*

1. The petitioner is aggrieved that Respondent No. 2 restricted his LinkedIn account, without any prior warning, without disclosing the specific provision of the User Agreement or Professional Community Policies allegedly violated, and without identifying the particular activity or conduct forming the basis of such restriction.

2. It is contended that despite repeated representations, appeals and requests for a manual review, Respondent No. 2 continues to issue repetitive and template-based responses citing the "number and/or severity" of unspecified violations, without furnishing any supporting material or passing a reasoned order. The petitioner further contends

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that although the restriction was initially represented as temporary, the same has continued indefinitely.

3. At the very outset it is pertinent to note that the petitioner, by way of the present petition, has sought certain reliefs against Respondent No.2, Linkedin Technology Information Private Limited, which is a private entity along with Respondent No.3, the resident grievance officer of Respondent No.2.

4. Though the petitioner has arrayed the Union of India as Respondent No.1, no specific prayers or directions have been sought against it.

5. The petitioner has failed to persuade this Court as to how a writ petition is maintainable against Respondent Nos. 2 and 3.

6. It is well settled that a writ petition under Article 226 of the Constitution is maintainable against any person or entity, including private bodies, if they perform functions that can be considered '*public functions*'.

7. Thus, for a writ to be maintainable against a private entity under Article 226 of the Constitution, it must be demonstrated that the action or conduct of the entity must be in the performance of a public duty or function; the nature of the activity should involve a public interest or be linked to a state obligation; and the function performed by the entity should be integral to state functions or be undertaken by virtue of some power vested by law. The threshold for a private entity to be amenable to writ jurisdiction is that it must undertake functions that are fundamentally governmental in nature or are performed by virtue of power vested by law.

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8. While the platform provided by Respondent No. 2 plays a significant role in disseminating information and shaping public opinion, its primary function is to provide a platform for expression, with public discourse being a consequence of its operations rather than a public duty. Its operations remain private in nature, and no governmental mandate delegates any traditional State function to it. Respondent No. 2 is neither obligated to provide such a platform in discharge of a public duty nor legally compelled to offer its services, which are voluntary and user-driven. The mere provision of a platform for communication and social interaction does not, by itself, constitute a governmental function or a function integral to the discharge of State responsibilities. (Ref. ***Sanchit Gupta v. Union of India & Anr.* : 2024 SCC OnLine Del 5880**)

9. Accordingly, Respondent No. 2 cannot be said to perform a public function or discharge a public duty. Consequently, Respondent No.3, being the resident grievance officer of Respondent No.2 also cannot be said to perform a public function or discharge a public duty.

10. Thus, in the opinion of this Court, Respondent Nos. 2 and 3 are not amenable to writ jurisdiction under Article 226 of the Constitution of India. The petitioner's legal recourse appears more appropriate for a civil suit, where the petitioner could claim damages, if any.

11. It is also pertinent to note that the petitioner has already preferred an appeal before the Grievance Appellate Committee under Section 3A(3) of the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 in regard to the present grievance.

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12. In view of the above, the present petition is not maintainable and is accordingly dismissed.

AMIT MAHAJAN, J

NOVEMBER 2, 2026
"SS"

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