



2026:DHC:8978



\$~65

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**% ***Date of Decision: October 8th, 2026***# **CNR No. DLHC010486352026**+ **W.P.(C) 14915/2026****JANTA LIVE PRESS NETWORK PVT
LTD & ANR.**

.....Petitioners

**Through: Mr. Adil Sharf Uddin,
Mr. Deepanshu Jha & Mr.
Divyanshu Bisht, Advs.**

versus

**GOOGLE LLC AND GOOGLE INDIA PVT
LTD & ANR.**

.....Respondents

**Through: Ms. Aishwarya Kane, Adv. for
R1.
Mr. Nitinjya Chaudhary, CGSC
with Mr. Rahul Mourya, Adv.
& Mr. Shubham Goyal, GP for
R2.****CORAM:****HON'BLE MR. JUSTICE AMIT MAHAJAN****AMIT MAHAJAN, J. (Oral)**

1. By the present petition, the petitioners' seek issuance of a writ to Respondent No. 1 to verify the petitioners' original recovery credentials and restore full access to the petitioners' g-mail account.

2. Briefly put, Petitioner No. 1 is a private limited company which owns and operates a media business under the name of '*Janta Live News*' including a YouTube news channel and Petitioner No. 2 is the Director of Petitioner No. 1. It is the case of the petitioners' that on



20.07.2026, the g-mail account was unauthorizedly accessed by third parties following which the g-mail account was disabled by Respondent No.1 citing '*unusual activity*'. In that regard, Petitioner No. 2 had sent an e-mail to the Google Support Team from his personal e-mail account narrating the sequence of events and seeking restoration, however, no response was received.

3. Consequently, a formal complaint with the Cyber Police Station was also lodged by the Petitioners, however, the g-mail account has still not been restored.

4. The present writ petition has consequently been filed by the petitioners' seeking restoration of access to their g-mail account. The petitioners have also placed reliance upon the case of ***XYZ v. Union of India & Ors and connected matters : 2026:DHC:8440*** to assert that even though Respondent No.1 is not a public entity, however, a writ petition would be maintainable since it is discharging a public function. It has further been contended that Respondent No. 1 is bound the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021, and consequently the present petition is maintainable.

5. This Court has taken note of the grievance as pleaded by the petitioners and while the same is undisputedly serious, the question before this Court is not whether the grievance of the petitioners' warrants redress but whether the relief sought can appropriately be granted in a writ petition.

6. Pertinently, the notion of '*public function*' plays a crucial role



in determining whether a writ petition is maintainable against private entities or non-state actors or not. In a catena of judgments, the Hon'ble Apex Court has consistently delineated that a writ under Article 226 of the Constitution of India is maintainable against any person or entity, including private bodies, if they perform functions that can be construed as '*public functions.*' While the term *public function* has not categorically been defined, it may be understood as functions that are similar to or closely related to those performable by the State in its sovereign capacity [Ref. ***G. Bassi Reddy v. International Crops Research Institute : (2003) 4 SCC 225***]. The same may include within its prism those circumstances where the State outsources its function to a private entity or that the private entity itself performs a service so closely knit with the obligations of the State that it becomes a necessary function for the welfare of the society.

7. In the present case, Respondent No. 1 is a private entity, and solely because it provides e-mail, hosting or other digital services, the same does not tantamount to mean that it can be construed as a '*public function.*' Emphasis has been laid by the petitioners' on the fact that the g-mail account in question is integral to the petitioners' media business. The said stance, by itself, does not alter the nature of function performed by Respondent No. 1. The provision of providing e-mail services is a commercial activity undertaken by private entities. Neither the provision of an email account nor its suspension or disabling on security grounds, without more, constitutes the performance of a public function or discharge of a public duty. Infact,



e-mail services are offered by various independent providers, and the same is also not monopolised by Respondent No. 1. The importance of a particular account to its user, or its widespread use, does not translate to mean that the same constitutes ‘*public function*’. The decisive consideration thus is the nature of the function and not merely the size or reach of the entity concerned.

8. The reliance on the case of ***XYZ v. Union of India & Ors and connected matters (supra)*** also does not aid the case of the petitioners. In the said case, the Division Bench of this Court was dealing with claims related to informational privacy and the grievance of the petitioners therein pertained to continued availability and name-based searchability of judicial records bearing the names of the petitioners in the digital domain thereby causing disproportionate and continued harm to their reputation. The petitioners therein consequently sought de-indexing of those records from name-based search results and masking of personal identifiers (including names) from publicly accessible digital versions of those records. In contradistinction to the facts of the said case, the petitioner in the present case merely seeks restoration of an e-mail account.

9. The Petitioners’ reliance upon the Information Technology Act, 2000 and the Information Technology (Intermediary Guidelines and Digital Media Ethics Code) Rules, 2021 does not, by itself, alter this conclusion. The existence of certain obligations concerning grievance redressal and intermediary compliance does not automatically convert disputes arising from account restriction, security incident or alleged



2026:DHC:8978



failure of customer support into a *public function* amenable to writ jurisdiction.

10. In conclusion, despite its widespread use, no '*public function*' in the strict legal sense intended to invoke Article 226 of the Constitution of India has been demonstrated.

11. The petitioners' are at liberty to take recourse to appropriate legal remedies in accordance with law.

12. In the light of the aforesaid, the present writ petition, in the opinion of this Court, is not maintainable and the same is accordingly dismissed.

AMIT MAHAJAN, J

OCTOBER 8, 2026
"SS"