

IN THE HIGH COURT OF MADHYA PRADESH  
AT INDORE

WP No. 10289 of 2026

(PARTH SHARMA Vs THE UNION OF INDIA THROUGH MINISTRY OF ELECTRONICS AND INFORMATION  
TECHNOLOGY AND OTHERS)

Dated : 09-04-2026

*Shri Parth Sharma - petitioner is present in person.*

*Shri Sunil Kumar Jain, A.S.G. assisted by Shri Devdeep Singh,  
Advocate for the respondent No.1, on advance notice.*

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The present petition under Article 226 of the Constitution of India is filed, being aggrieved by the information published vide Annexure-P/1, where it is mentioned the following:-

*"End-to-end.encrypted messaging on Instagram will no longer be supported after May 8, 2026.*

*If you have. chats that are impacted by this change, you will see instructions on how you can download any media or messages you: 'may want to keep.*

*If you're on an older version of Instagram, you may also need to update the app before you can download your affected chats.*

*End-to-end encrypted messages and calls ensure only you and the people you're communicating with can see.or listen to what is sent, and no one else, not even Meta, can do so. Keep in mind, for reporting and optional features, you or someone in the chat may still choose to share messages with Meta."*

The petitioner argued that the aforesaid message/communication, which permits access to the end to end encrypted messages is in violation of right to privacy of the citizens of India, which is guaranteed under Article 21 of the Constitution of India., which has been discussed by the Apex Court in the case of Justice K.S. Puttaswamy (Retd.) & Another Vs. Union of India, [(2017) 10 SCC 1]. It is submitted that the aforesaid information shall come

into effect from 08.05.2026.

Per contra, Senior Counsel for the respondent No.1 argued that the present petition does not fall within the scope of public interest litigation. He further submitted that the petition has been filed without approaching the statutory Board, which is constituted under the provisions of the Digital Personal Data Protection (DPDP) Act, 2023 (in short "the Act of 2023"). He has brought our attention to the provisions of Section 18 of the Act of 2023 in which the Board is constituted and its functions are mentioned in Section 27 of said Act.

Considering the aforesaid submissions of Senior Counsel for the respondent No.1, without adverting to the other contentions of the petitioner, we direct the petitioner to approach the Board constituted under Section 18 of the Act of 2023, within a period of 07 days from today. If such representation is filed, the Board shall take a decision, in accordance with law by passing a reasoned and speaking order, after affording opportunity of hearing to the petitioner within the next 15 days before 06.05.2026. The decision of the Board be filed by the petitioner before this Court.

List the matter on 06.05.2026.

(VIJAY KUMAR SHUKLA)  
JUDGE

(ALOK AWASTHI)  
JUDGE