

HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY
AND
HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.38877 of 2013

Date: 12.07.2018

Between :

The Manager, Rajiv Gandhi International Airport,
Immigration Department, Shamshabad,
Hyderabad and another.

... Petitioners

And

V.V. Ramanujulu and another.

... Respondents

COUNSEL FOR PETITIONERS : Sri Raghavender Reddy for
Sri K. Lakshman

COUNSEL FOR RESPONDENTS : Sri P. Parameshwar Rao for R1
AGP for Civil Supplies for R2

THE COURT MADE THE FOLLOWING:

ORDER : (per Hon'ble Sri Justice C.V. Nagarjuna Reddy)

This writ petition is filed for issue of Certiorari to quash the order dated 22.11.2013 in C.C.No.87 of 2013 on the file of the District Consumer Disputes Redressal Forum, Ranga Reddy District (for brevity "the District Forum").

We have heard Sri Raghavender Reddy, counsel representing Sri K. Lakshman, learned Assistant Solicitor General, appearing for the petitioners, and Sri P. Parameshwar Rao, learned counsel for respondent No.1.

Respondent No.1 approached respondent No.2 – District Forum with a grievance that he was stopped from boarding the British Airways despite having a valid ticket for travelling to USA on 10.03.2011 at Rajiv Gandhi International Airport by the Immigration Department and he has accordingly claimed damages to a tune of Rs.3,00,000/- under different heads. The petitioners have filed their version opposing the complaint on multiple grounds, including the ground that respondent No.2 lacks jurisdiction to entertain the complaint. The District Forum, without framing the issue as to whether it has jurisdiction to entertain the complaint of the nature filed by respondent No.1, concluded that petitioner No.1 is a Service Provider and that it has unjustly prevented respondent No.1 from travelling abroad, despite having a

valid ticket and accordingly awarded a sum of Rs.2,15,000/-. In our opinion, respondent No.2 – District Forum has misdirected itself into believing that the petitioners are a Wing of Rajiv Gandhi International Airport and that as they have been collecting the service and other charges from the passengers, there is Service Provider – Consumer relationship between the petitioners and respondent No.1. Indeed, as pleaded by the petitioners, they are part of Ministry of Home Affairs, Government of India, which is a Sovereign Authority, and they cannot be connected with the International Airport Management, which is collecting the service charges. Though the petitioners have described themselves in the same manner, as was described by respondent No.1 in the complaint, in the present writ petition also, as pleaded by them before the District Forum, they were subjected to rank mis-description. Respondent No.2 has got itself swayed away by a completely erroneous premise that the petitioners are part of the International Airport at Hyderabad. In our opinion, the consumer dispute was wholly misconceived. As the Immigration Department, being a Wing of Government of India, it is discharging Sovereign functions, respondent No.2 is denuded of jurisdiction to entertain any dispute.

The impugned order dated 22.11.2013 in C.C.No.87 of 2013 is accordingly quashed and the writ petition is allowed. No order as to costs.

As a sequel to the allowing of the writ petition, WPMP.No.48320 of 2013 shall stand disposed of accordingly.

C.V. NAGARJUNA REDDY, J

GUDISEVA SHYAM PRASAD, J

12.07.2018.
Msr



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