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

+ W.P.(C) 6661/2018 & CM No. 25372/2018

YASHIKA LAWARIA & ORS

..... Petitioners

Through: Mr V. K. Tandon, Advocate.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr Dev P. Bhardwaj, CGSC for R-1 & R-3.

Mr Digvijay Rai and Mr Kustubh Singh, Advocates for AAI with Mr S. Dayal, GM(Law), AAI, Mr Raj Kumar Khangwal, JGM (Law) and Ms Raama Sharma, AM (Comm.), AAI for R-2/AAI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **05.07.2018**

1. The petitioners have filed the present petition, *inter alia*, praying as under:-

“1. Writ, order or direction in the nature of **MANDAMUS** or any other appropriate writ, order or direction in favour of the petitioner and against the respondents thereby quashing the impugned notice dated 13/6/2018 and the court may further issue directions to the respondents No.1, 2, 3 & 4 to ensure the running of the Institute of Aviation and Technology at Delhi Flying Club Safdarjung Airport, New Delhi and allow the petitioners to complete their respective courses.”

2. The petitioners claim to be the students of School of Aviation Science and Technology run by the Delhi Flying Club (DFC) – respondent no.4. The petitioners are, essentially, aggrieved by a notice dated 13.06.2018 issued by DFC informing the petitioners that the activities of the Club are liable to be closed and, as such, the training institute being run by it will also be closed with effect from 23.06.2018. DFC has further stated that the Managing Committee is attempting to protect the interests of the petitioners and in the event of any positive development, the said training institute shall be resumed.

3. DFC is a company limited by guarantee and was in occupation of premises at Safdurjung Airport. The licence granted to DFC to occupy the said premises was terminated by Airport Authority of India (AAI) and the premises in question have been handed over to AAI. However, DFC is not precluded from carrying on its activities and it is open for DFC to establish its institute at another location. Admittedly, flying activities from the Safdarjung Airport had ceased in the year 2002. The petitioners were being imparted training on a simulator and as such it is not necessary that such activities be carried out at an airport.

4. DFC had no right to occupy the premises in question after its licence was terminated.

5. Mr Tandon, learned counsel appearing for the petitioners contended that DFC is duty bound to ensure that the courses to which the petitioner and other students have been admitted are completed by DFC. This dispute is, essentially, between the petitioners and the DFC and the petitioners would be at liberty to seek such appropriate remedies against DFC as they may be

advised. However, this Court does not find that any relief against respondent nos.1 to 3 is available to the petitioners.

6. The petition and the pending application are disposed of.

VIBHU BAKHRU, J

JULY 05, 2018
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