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IN THE HIGH COURT OF DELHI AT NEW DELHI

Date of Decision: 20.09.2018

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LPA 410/2018 & CM Nos.30330-31/2018,

YASHIKA LAWARIA & ANR

..... Appellants

Through: Mr. Vivek Kumar Tandon and
Ms. Ankita Sehgal, Advs.

versus

UNION OF INDIA & ORS

..... Respondents

Through: Mr. Dev P. Bhardwaj, CGSC for UOI
with Mr. Anubhav Bhardwaj, Adv.
for R-1 & 3
Mr. Digvijay Rai and Mr. Kustubh
Singh, Advs. for R-2

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE V. KAMESWAR RAO

RAJENDRA MENON, CHIEF JUSTICE (ORAL)

1. The present Letter Patent Appeal has been filed seeking exception to an order dated 05.07.2018 passed by the Writ Court in WP(C) No. 6661/2018. This appeal has been filed under Clause 10 of the Letter Patents and Delhi High Court Rules.

2. In the writ petition in question, the prayer made reads 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*

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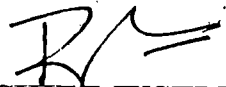
the Institute of Aviation and Technology at Delhi Flying Club, Safdarjung Airport, New Delhi and allow the petitioners to complete their respective courses."

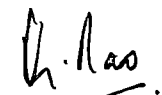
3. It was the case of the petitioners that the Delhi Flying Club is duty bound to ensure that the course to which the petitioners and other students have been admitted should be completed by the Delhi Flying Club. The learned Writ Court has considered the same and has rejected it primarily on the ground that now the Delhi Flying Club cannot be permitted to use the area in question, we find that the writ petition filed by the Delhi Flying Club challenging the action of evicting them from the area in WP(C) 2127/2018 has also been rejected by the Single Bench on this Court on 23.04.2018. Once the Delhi Flying Club has been evicted from the area in question, the institute running in the Flying Club cannot be permitted to function merely because the petitioners would suffer in the matter of continuation of their course of study.

4. No indulgence into the matter can be made once the occupation of the area by the Delhi Flying Club is found to be unsustainable. That being so, we see no error in the order passed by the learned Writ Court warranting reconsideration. However, the petitioners may approach the DGCA with an appropriate representation and DGCA is directed to consider the representation for permitting them to prosecute their course in any other institute approved for such training by the competent authority. That apart, in case the petitioners have any grievance with regard to the act of the institute in not permitting them to continue with the course in any other area or they claim refund of fees or damages for the loss caused to them, they are at liberty to take recourse to such proceedings, as may be permissible under

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law against the institute in question.

5. With the aforesaid liberty to the petitioners, finding no indulgence to be made into the matter, the appeal is dismissed and pending applications accordingly stand disposed of.


CHIEF JUSTICE


V. KAMESWAR RAO, J

SEPTEMBER 20, 2018

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