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

Date of decision: 23rd October, 2019

+ **W.P. (C) 11239/2019 & CM APPLs. 46292/2019, 46293/2019**

YUGANSH MITTAL

..... Petitioner

Through: Mr. N. Hariharan, Sr. Adv. with
Mr. K.C. Mittal, Ms. Ruchika
Mittal, Mr. Amit P. Shahi, Adv.
with petitioner in person

versus

UNION OF INDIA AND ANR

..... Respondents

Through: Mr. Anjana Gosain, CGSC with
Ms.Aakansha Kaul and
Mr.Prabhudh Singh, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE C.HARI SHANKAR

ORDER

23.10.2019

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D.N. PATEL, CHIEF JUSTICE (ORAL)

CM APPL. 46293 /2019 (exemption)

1. Allowed, subject to all just exceptions.
2. The application stands disposed of.

W.P. (C) 11239/2019

1. This Public Interest Litigation has been preferred with the following prayers:

“a. Issue a writ of mandamus or any other appropriate writ/order/direction against the respondents directing set up

of a commission to investigate the presence of optional safety features in airplanes in India;

b. Issue necessary directions to the respondents to collate and collect relevant information with regard to presence of optional safety features in airlines, inter alia, in regard to their availability, costs, planes installed on and other relevant details of the same;

c. Issue a writ of mandamus or any other appropriate writ/order/direction against the respondents directing framing of guidelines regulating the practice of having 'optional safety features' in airlines;

d. Issue a writ of mandamus or any other appropriate writ/order/direction against the respondents making mandatory for all aircrafts operating in India to have all optional safety features in aircrafts;

e. Pass such any other order/ directions as this Hon'ble Court may deem fit and proper in the facts and circumstances of this case."

2. Too much technical aspects of the matter have been argued by the learned Senior Counsel for the petitioner about safety features in aircrafts. For establishment of these facts evidences are required to be laid. Moreover, the Court has no expertise in dealing with aircraft safety features and thus, we are not inclined to exercise our powers under Article 226 of the Constitution of India for adjudicating upon such technical matters. Similar view was taken by the Hon'ble Supreme Court in ***Manohar Lal Sharma v. Narendra Damodardas Modi & Ors., (2019) 3 SCC 25*** as thus :

"33. Once again, it is neither appropriate nor within the

experience of this Court to step into this arena of what is technically feasible or not.... It was also made clear that the issue of pricing or matters relating to technical suitability of the equipment would not be gone into by the Court.....”

3. In view thereof, we hereby direct the respondents to treat this writ petition as a representation and look into the grievances ventilated in this writ petition as early as possible and practicable. If need arises, they shall also give hearing to the petitioner.
4. All care will be taken by the respondents for the prayers, as made in this writ petition while deciding the representation.
5. With these observations, this writ petition is hereby disposed of.

CM APPL. 46292/2019 (for directions)

6. In view of the order passed in the writ petition, this Civil Miscellaneous application stands disposed of.

CHIEF JUSTICE

C. HARI SHANKAR, J.

OCTOBER 23, 2019
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