

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION
WRIT PETITION NO.4226 OF 2021**

Padmabhushan Dr. Vijaypat Singhania and Anr. ... Petitioners

Versus

Government of India and Anr. ... Respondents

Mr. Asim Sarode with Mr. Ajit Deshpande i/by Mr. Ajinkya Udane, for Petitioners.
Mr. D.P.Singh with Mr. Aditya Thakur, for Respondent No.1.

**CORAM: S.J. KATHAWALLA &
MILIND N. JADHAV, JJ.**

DATE : 17th AUGUST, 2021

P.C. :

1. The Petitioner No.1 - Dr. Vijaypat Singhania and Petitioner No.2 - Mr. Vijay Sethi have filed the above Writ Petition against the Respondent No.1 - Government of India, through Director General of Civil Aviation, Ministry of Civil Aviation, New Delhi and Respondent No.2 - International Civil Aviation Organization (ICAO), having its Headquarters at Canada, for the following reliefs :

- “(a) Directions may be issued to Respondent No.1 to submit records of attempts made by them to get the Aircraft Registration ‘VT’ changed;
- (b) Directions may be issued to Respondent No.1 to submit plan of action of co-ordination with Respondent No.2 to change the Aircraft Registration ‘VT’;
- (c) Direction may be issued to Respondent No.1 to attempt to get new registration alphabets ‘MG’ because India is known as Mahatma Gandhi’s homeland or try to get ‘BH’ which stands for Bharat;”

2. The Petitioners have interalia submitted that :

2.1 The Petitioner No.1 – Dr. Vijaypat Singhania, is a registered Pilot; he holds the world record for highest altitude gained, travelling in a hot air balloon; is holding a world record for his solo micro-light flight from UK to India in 1988; has flight experience of over 5000 hours; has won the gold medal in the Federation Aeronautique International air race covering a distance of 34,000 km spanning 24 days, for which he was conferred the rank of Honorary Air Commodore of the Indian Force.

2.2 The Petitioner No.2 – Mr. Vijay Sethi is a winner of prestigious Himalayan Motor Race in 1999 and 2000; participated in Paragliding National tournament in 2001; has also the Pilot Rank of 22 in the World Para Motor rankings as per the list published on 5th May, 2018.

2.3 The Respondent No.1 – Ministry of Civil Aviation, Government of India, is responsible for formulation of national policies and programmes for the development and regulation of the Civil Aviation sector in the country. It is responsible for the administration of the Indian Aircraft Act, 1934, Aircraft Rules, 1937 and various other legislations pertaining to the aviation sector in the country.

2.4 The Respondent No.2 – International Civil Aviation Organization ('ICAO') is a specialized agency of the United Nations. It is responsible for changing the principles and techniques of international air navigation and fosters the planning and development of international air transport to ensure safe and orderly growth.

2.5 As per the global rules set out by the ICAO, each aircraft has to be registered in a country where it is allotted a registration number which has one/two letters as the country code, followed by three/four letters of owners or the carriers choice, like 'VT-123' in case of an Indian Aircraft.

2.6 The Long form of 'VT' is - 'Victorian Territory', which is the Nationality Code and each aircraft registered in India is required to carry such Nationality Code. In other words, it is a 'call sign' or the 'registered word' for identification of the aircraft. The Britain State prefix was 'VT' for Indian aircrafts before the independence in 1947. It is therefore, an important sign of colonial repression of the British, which remains on the Indian Aircraft in the form of alphabets 'VT' even today.

2.7 After independence, India cannot be a territory of the Viceroy and cannot continue to use the 'VT' code.

2.8 The Petitioner No.1 who is a registered pilot has therefore, sought change of the abbreviation 'VT', since more than a decade. The Government has tried several times to get the Code changed over the last decade wanting to replace it with 'IN' for India or 'BH' for Bharat or even 'HI' Hindustan, but none of these words are available with the ICAO and the only option seems to be left as 'X' or 'Y'.

2.9 The Civil Aviation Ministry keeps following up with ICAO to check whether they can get any other alphabetic title for aircrafts registered in India rather

than using the word 'VT'. The President and the Prime Minister of India also use the aircrafts which appear to be under the command of the British Government.

2.10 Some countries like Fiji, Nepal and Pakistan did manage to change their codes after they became independent.

2.11 If one goes through the ICAO alphabetical identification given to various countries, the words 'MG' (for Mahatma Gandhi) or 'BH' (for Bharat) are not given to anyone and hence, instead of alphabets 'VT', the ICAO can grant words 'MG' (for Mahatma Gandhi) or 'BH' (for Bharat) to all aircrafts registered in India.

3. We have considered the submissions advanced on behalf of the Petitioners and have also gone through the reliefs sought by the Petitioners which are reproduced in paragraph 1 above. Though the Petitioner No.1 claims to be a registered pilot, we do not find any case made out to show that any of the fundamental rights of the Petitioners are being violated. In any event, the reliefs sought by way of prayer clauses (a) and (b) i.e. seeking directions against the Government of India to submit records of attempts made by them to get the Aircraft Registration 'VT' changed; and to submit a plan of action of co-ordination with the Respondent No.2 to change the Aircraft Registration 'VT', can be sought by the Petitioners by invoking the provisions of the Right to Information Act, 2005. In so far as prayer clause (c) is concerned, i.e. seeking directions against the Government of India to make an attempt to get new registration alphabets 'MG' because India is known as Mahatma Gandhi's

homeland or try to get 'BH' which stands for 'Bharat', it is the Petitioners' own case in paragraph 12 of the Petition that *"the Government has tried several times to get the Code changed over last decade wanting to replace it with 'IN' for India or 'BH' for Bharat or even 'HI' for Hindustan, but none of these words are available with the ICAO and the only option seems to be left as 'X' or 'Y'. The Civil Aviation Ministry keeps following up with ICAO to check whether they can get any other alphabetic title for aircrafts registered in India rather than using the words 'VT'....."*. The question therefore, of giving any directions to the Government of India in this regard also does not arise and the Petitioners can always submit their suggestions to the Government of India in this regard. In sum, there is nothing to show that the Government of India has any statutory duty to have the Code changed to any particular Code or at all. Secondly, as noted above, going by the Petitioners own assertions in the Petition, there is no pleaded case of breach of any statutory duty, assuming there is any, on the part of the Government of India in causing to change the Code allotted to the Country by ICAO. We are therefore of the view that no interference of this Court under Article 226 of the Constitution of India is required qua the issue/s raised by the Petitioners in the above Writ Petition and the Writ Petition is accordingly dismissed.

(MILIND N. JADHAV, J.)

(S.J.KATHAWALLA, J.)