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

% *Date of Decision: 02.09.2026*

CNR No. DLHC010410682026

+ **W.P.(C) 12692/2026 & CM APPL. 58936/2026**

GOPALA KRISHNA KOSARAJUPetitioner

Through: Mr. Kumar Abhishek, Adv.

versus

UNION OF INDIA & ANR.

.....Respondents

Through: Mr. Abhishek Gupta, CGSC with Mr.
V. Pali, GP with Mr. A. S. Vamsi
Krishna, Ms. A. Mishra, Ms. Riya
Garg, Ms. N. Singh, Mr. K. Khullar,
Advs. for UOI
Mr. Anshuman Gupta and Mr. Karan
Aggarwal, Advs.

CORAM:

HON'BLE THE CHIEF JUSTICE

HON'BLE MR. JUSTICE TEJAS KARIA

TEJAS KARIA, J. (Oral)

1. The present Public Interest Litigation (“PIL”) has been instituted challenging the complete closure of scheduled commercial flight operations at Visakhapatnam Airport with effect from 17.08.2026 and the transfer of such operations exclusively to the newly built Greenfield Airport at Bhogapuram.

2. Learned Counsel for the Petitioner submitted that while the development of the Bhogapuram Greenfield Airport is welcome, the closure of the fully functional and centrally located Visakhapatnam Airport is



arbitrary and unreasonable, particularly as the said airport had operated for nearly three decades and was developed through substantial public investment. It was urged that discontinuing scheduled commercial flight operations from such an established airport results in underutilisation of valuable public infrastructure, especially when Bhogapuram is situated approximately 50 kilometres from the city centre and is yet to become fully functional.

3. It was further submitted that requiring passengers to travel to Bhogapuram would cause hardship to residents of Visakhapatnam and adjoining areas and would raise concerns of accessibility and public safety, particularly in medical emergencies.

4. Learned Counsel for the Petitioner further submitted that there is no legal or policy embargo on dual-airport operations, as such arrangements exist in Goa, Delhi and Mumbai. It was urged that the discontinuance of scheduled commercial operations at Visakhapatnam Airport, despite its existing infrastructure and public utility, is arbitrary and unsupported by cogent justification, particularly when the continued operation of both airports would better serve passenger convenience, accessibility and public interest.

5. Learned Counsel for the Petitioner further submitted that a detailed representation dated 14.08.2026 had been submitted seeking a policy review for dual-airport co-existence; however, no response was received from the Respondents. Accordingly, the Petitioner has preferred the present PIL.

6. At the outset, learned CGSC for the Respondents raised a preliminary objection to the maintainability of the present PIL before this Court. It was submitted that an identical PIL, being W.P.(PIL) No. 191/2026, is already



pending before the High Court of Andhra Pradesh. It was further submitted that the dominant cause of action has arisen at Visakhapatnam, as the grievance concerns the closure of scheduled commercial flight operations at Visakhapatnam Airport and the alleged inconvenience caused to residents and commuters in and around Visakhapatnam. Accordingly, it was urged that the present PIL ought to have been instituted before the High Court of Andhra Pradesh, which is more closely connected with the subject matter.

7. In response, learned Counsel for the Petitioner submitted that both Respondents are situated within the territorial jurisdiction of this Court and that the impugned policy decision was taken at New Delhi. It was urged that the situs of decision-making forms a material part of the cause of action under Article 226 of the Constitution of India, 1950 and, therefore, this Court is competent to entertain the present PIL.

8. We have heard learned Counsel appearing for the Petitioner, learned CGSC for the Respondents and considered the rival submissions regarding the preliminary objection raised on behalf of the Respondents with respect to the entertainability of the present PIL before this Court.

9. Upon consideration of the pleadings and the submissions advanced by learned Counsel appearing for the Petitioner and learned CGSC for the Respondents, we are of the view that although this Court may have territorial jurisdiction inasmuch as the Respondents are situated within its jurisdiction, the High Court of Andhra Pradesh would be the more appropriate forum for redressal of the grievance raised by the Petitioner. In the facts of the present case, the issue pertaining to the closure of scheduled commercial operations at Visakhapatnam Airport and the shifting thereof to Bhogapuram has a direct and substantial impact on the residents and



commuters of Visakhapatnam and its adjoining areas. The situs of the principal grievance is, therefore, more closely and substantially connected with the State of Andhra Pradesh, where the persons stated to be affected are located. In such circumstances, even if a part of the cause of action may be said to have arisen within the territorial jurisdiction of this Court, we are of the considered opinion that the doctrine of *forum conveniens* and the principle of dominant cause of action would warrant the Petitioner approaching the High Court of Andhra Pradesh, which is the proper and more convenient forum for adjudication of the issues raised herein. Reference in this regard may be made to the judgment of the Supreme Court in *M/s Kusum Ingots & Alloys Ltd. v. Union of India & Anr.*, (2004) 6 SCC 254, wherein it has been held as under:

“10. Keeping in view the expressions used in clause (2) of Article 226 of the Constitution of India, indisputably even if a small fraction of cause of action accrues within the jurisdiction of the Court, the Court will have jurisdiction in the matter.

*30. We must, however, remind ourselves that even if a small part of cause of action arises within the territorial jurisdiction of the High Court, the same by itself may not be considered to be a determinative factor compelling the High Court to decide the matter on merit. In appropriate cases, the Court may refuse to exercise its discretionary jurisdiction by invoking the doctrine of *forum conveniens*.”*

10. In view of the aforesaid discussion, we are of the considered opinion that the grievance raised in the present PIL substantially pertains to the alleged inconvenience caused to the public residing in and around Visakhapatnam on account of the discontinuance of scheduled commercial flight operations at Visakhapatnam Airport. The dominant and substantial



cause of action, therefore, has arisen within the territorial jurisdiction of the High Court of Andhra Pradesh.

11. The mere fact that the Respondents are situated within the territorial jurisdiction of this Court would not, by itself, justify the exercise of discretionary writ jurisdiction by this Court, particularly when the subject matter of the present PIL and the grievance sought to be espoused are substantially and predominantly connected with the State of Andhra Pradesh. Further, since a PIL raising an identical grievance has already been instituted before the High Court of Andhra Pradesh, entertaining the present PIL would result in multiplicity of proceedings and may also give rise to the possibility of conflicting or inconsistent findings. Accordingly, the Petitioner ought to approach the jurisdictional High Court, namely, the High Court of Andhra Pradesh, for appropriate relief, if so advised.

12. Accordingly, the present Petition is dismissed on the ground of forum *conveniens*. It is needless to say that the Petitioner will be at liberty to agitate his case before the jurisdictional High Court. We further clarify that we have not expressed any opinion on the merits of the present PIL.

TEJAS KARIA, J

DEVENDRA KUMAR UPADHYAYA, CJ

SEPTEMBER 2, 2026/‘gsr’