

IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 10TH DAY OF APRIL, 2026

PRESENT

THE HON'BLE MRS. JUSTICE ANU SIVARAMAN

AND

THE HON'BLE MR. JUSTICE T.M.NADAF

CIVIL CONTEMPT PETITION NO.469 OF 2024

BETWEEN:

AJOY KUMAR PATIL
S/O VENKATESH PATIL
AGED ABOUT 61 YEARS
ADVOCATE,
HIGH COURT OF KARNATAKA
R/O NO.7, 1ST CROSS
JUDICIAL OFFICERS' LAYOUT
RMV 2ND STAGE,
SANJAYNAGAR
BENGLAURU-560 094.

...COMPLAINANT

(BY SRI. AJOY KUMAR PATIL, PARTY-IN-PERSON)

AND:

1. DR. RAJNEESH GOEL, IAS
CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
DR. B. R. AMBEDKAR VEEDHI

BENGALURU-560 001.

2. MR. SHASHI KUMAR
DIRECTOR,
GOVERNMENT FLYING TRAINING SCHOOL,
JAKKUR AERODROME
BENGALURU-560 064.
3. MR. MAHESHWAR RAO, IAS
MANAGING DIRECTOR
BANGALORE METRO RAIL
CORPORATION LIMITED
3RD FLOOR, BMTC COMPLEX
K.H. ROAD, SHANTINAGAR
BENGALURU-560 027.
4. MR. SANJAY K BRAHMANE
DEPUTY DIRECTOR GENERAL
O/O DIRECTORATE GENERAL
OF CIVIL AVIATION
REGIONAL OFFICE AT BENGALURU
4TH FLOOR,
TECHNICAL BLOCK (AAI),
HAL AIRPORT
BENGALURU-560 017.
5. MR. MULLAI MUHIAN
PRESENTLY WORKING AS
DEPUTY COMMISSIONER
DAKSHINA KANNADA DISTRICT

NEW DC OFFICE, PADIL
MANGALURU - 575 007
FORMER DIRECTOR
GOVERNMENT FLYING TRAINING SCHOOL
JAKKUR AERODROME
BENGALURU-560 064.

6. MR. ANJUM PARVEZ
PRESENTLY WORKING AS
ADDITIONAL CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
RURAL DEVELOPMENT AND
PANCHAYATH RAJ (RDPR) DEPARTMENT
M.S. BUILDINGS, 3RD FLOOR
3RD GATE,
BENGALURU - 560 001
FORMER MANAGING DIRECTOR
BMRCL,
3RD FLOOR,
BMTCL COMPLEX
K.H. ROAD, SHANTINAGAR
BENGALURU-560 027.

...ACCUSED

7. THE STATE OF KARNATAKA
REPRESENTED BY ITS
CHIEF SECRETARY
GOVERNMENT OF KARNATAKA
VIDHANA SOUDHA
DR. B.R. AMBEDKAR VEEDHI

BENGALURU - 560 001.

...PROFORMA RESPONDENT

(BY SRI. S. R. KAMROZ KHAN, AGA FOR A1, A2, A5 & R7;
SRI. KUMAR M. N., ADVOCATE FOR A4;
SRI. HARISH N. N., ADVOCATE FOR A3 & A6)

THIS CIVIL CONTEMPT PETITION IS FILED UNDER SECTIONS 11 AND 12 OF THE CONTEMPT OF COURTS ACT, 1971, READ WITH RULE 3 OF THE HIGH COURT OF KARNATAKA (CONTEMPT OF COURT PROCEEDINGS) RULES, 1981, PRAYING TO DELIBERATELY AND INTENTIONALLY VIOLATING THE DIRECTIONS ISSUED BY THIS COURT IN THE JUDGMENT DATED 27.07.2021 PASSED IN W.P. NO.10518/2020 PRODUCED AT ANNEXURE-A AND ETC.

THIS CIVIL CONTEMPT PETITION HAVING BEEN HEARD AND RESERVED FOR JUDGMENT ON 05.03.2026 AND COMING ON FOR PRONOUNCEMENT OF JUDGMENT THIS DAY, **ANU SIVARAMAN J.**, PRONOUNCED THE FOLLOWING:

CORAM: HON'BLE MRS. JUSTICE ANU SIVARAMAN
and
HON'BLE MR. JUSTICE T.M.NADAF

CAV JUDGMENT**(PER: HON'BLE MRS. JUSTICE ANU SIVARAMAN)**

This Contempt of Court Case is filed alleging wilful disobedience of the directions issued by this Court by its Order dated 27.07.2021 passed in Writ Petition No.10518/2020 (GM-RES-PIL).

2. We have heard Shri. Ajoy Kumar Patil/complainant/party-in-person, Shri. S.R. Khamroz Khan, learned Additional Government Advocate appearing for accused No.1, 2, 5 and proforma respondent No.7, Shri. Kumar M.N, learned counsel appearing for accused No.4 and Shri. Harish N.N, learned counsel appearing for accused No.3 and 6.

3. The complainant/party-in-person submits that he had filed the writ petition in public interest for the protection of the Jakkur Aerodrome, a civilian airport near Yelahanka in North Bengaluru, which is under the control and administration of the State Government. It is contended that the Aerodrome houses the first Government Flying

Training School. It is alleged by the complainant that attempts were being made to encroach upon the airport area and to shut down the operations of the Government Flying Training School, so that, the airport could be handed over to the real estate developers. The State Government permitted activities that created obstacles in the path of the runway, thereby, reducing the effective length of the runway and disabling take-off and landing of aircraft from the Aerodrome. One such obstacle was the construction of an over-ground metro line across the runway alignment. During the pendency of the writ petition, the State Government addressed a letter dated 10.05.2021 to the Directorate General of Civil Aviation (DGCA), submitting an Obstacle Limitation Survey (OLS) report and seeking instructions regarding the future course of action. In response, the DGCA issued a letter dated 20.05.2021 suggesting certain mitigating measures to be adopted by the State Government. Based on the report and the DGCA letter dated 20.05.2021 as well as the memo filed by accused no.1

and 2 undertaking to take a final decision regarding the mitigating measures, this Court disposed of the writ petition.

4. It is contended that No Objection Certificates (NOC) dated 12.03.2020, 19.12.2020 and 03.09.2021 were issued by the Government Flying Training School to the Bengaluru Metro Rail Corporation Limited (BMRCL). It is contended that the last NOC dated 03.09.2021 was issued after the Order of this Court and the specific directions issued by this Court were ignored while issuing the said NOC. The mitigating measures suggested by the DGCA had not been considered while issuing the NOC and the State Government had increased the permitted height of the obstruction from 12.00 meters to 12.75 meters, in the NOC dated 03.09.2021. It is further contended that both the mitigating measures specifically submitted by the DGCA have not been considered and the State Government is therefore in contempt.

5. A counter affidavit has been filed by accused No.2 - Director of Government Flying Training School contending that the mitigating measures suggested by the DGCA in its letter dated 20.05.2021 have specifically been taken note of and NOC issued after complying with the suggestions of the DGCA. It is stated that the Airports Authority of India by its letter dated 15.06.2021 had specifically clarified that the runway threshold could be displaced by a suitable distance by pruning of trees and that the length of the runway could be shortened. It is further contended that in compliance with the directions issued in paragraph No.8(ii) of the Order of this Court dated 27.07.2021, the State Government had taken a specific decision to comply with the mitigating measure of shortening the runway and had placed the decision before the NOC Committee. The NOC Committee in its meeting held on 31.08.2021, considered the said mitigating measures adopted by the State Government through its Order dated 06.08.2021 and resolved that the NOC could be issued for the construction of the Metro Viaduct within the limits of the Jakkur Aerodrome. It is

accordingly that the fresh NOC dated 03.09.2021 was issued to accused No.3 - BMRCL.

6. A compliance affidavit has been filed on behalf of accused No.1 and 7, contending that the Jakkur Aerodrome was not listed in the list of the Ministry of Civil Aviation Notification, which came into force on 14.01.2010 and remained in force upto 30.09.2015. Therefore, the provisions of the said Notification were not applicable to the Jakkur Aerodrome. It is further contended that the Aerodrome was subsequently notified by Notification dated 30.09.2015 and the height restrictions specified therein became applicable to the Aerodrome only with effect from 01.10.2015. It is further contended that in compliance with the directions issued by the Court Order dated 27.07.2021, the OLS of the Jakkur Aerodrome was conducted in March 2021 and the survey was validated by the Airports Authority of India. The Airports Authority also provided details of the obstacles infringing the OLS of the Jakkur Aerodrome.

7. By Letter dated 20.05.2021, the DGCA addressed accused No.2 - Director of Government Flying Training School to take one of the mitigating measures, that is, either reduce the height of the obstacles or to reduce the length of the runway. It is submitted that accused No.2 has forwarded a letter dated 19.01.2021 pointing out the runway dimensions as modified with a length of 413 meters for landing of aircraft from runway 08 and take-off from runway 26. The Secretary of Ministry of Civil Aviation was requested to issue an amendment correcting the runway dimensions, based on the recommendations of a Technical Committee constituted to examine the feasibility of Aviation activities in the Aerodrome. The runway length was modified and the declared distances with displaced thresholds were notified. It is further contended that it was after considering all the relevant material including the OLS Report, letters of the Airports Authority as well as the recommendations of the DGCA that the decision was taken by the State Government to adopt the mitigating measure of reducing the length of the runway. The said decision was placed before the NOC

Committee, which unanimously decided that NOC can be issued to the BMRCL for construction of the Metro Viaduct within the limits of the Jakkur Aerodrome. It is submitted that all steps have been taken specifically in accordance with the directions of this Court and there is absolutely no contempt as alleged.

8. We have considered the contentions advanced. The directions issued by the Division Bench of this Court in Writ Petition No.10518/2020 (GM-RES-PIL) by order dated 27.07.2021 are as follows:-

"(i) We direct the State Government to take an appropriate decision of adopting the mitigation measures as suggested by DGCA in its letter dated 20th May 2021 within a period of six weeks from today;

(ii) The decision taken by the State Government shall be placed before the NOC Committee constituted by the State Government along with the application already made by BMRCL for grant of NOC;

(iii) The Committee constituted for grant of NOC shall take appropriate decision on the application for NOC made by BMRCL after taking into consideration the decision of the State Government about adopting the mitigation measures. Needless to add that a fresh consideration of the application of BMRCL shall be made by the NOC Committee;

(iv) We also clarify that unless the application made by BMRCL for grant of NOC is considered afresh in terms of the aforesaid directions and unless NOC is granted, the construction of metro rail line on the western periphery of the Jakkur Airport shall not be undertaken;

(v) We make it clear that if the State Government seeks any advice from DGCA and AAI on the proposed mitigation measures, the said Authorities shall co-operate with the State Government and render advice to it as expeditiously as possible;

(vi) The petition is disposed of on the above terms;"

9. The mitigating measures suggested by the DGCA in its letter dated 20.05.2021, which is produced as Annexure-C1, are as follows:-

"3. As per existing notification GSR 751 (e), these obstacles indicated in OLS survey report are infringing the OLS of Jakkur aerodrome, therefore aerodrome operator i.e. State Government of Karnataka is required to take the decision:

(a) Either to reduce the height of the obstacles infringing the obstacles surfaces within permissible limit or.

(b) To adopt mitigation measures as suggested/recommended by AAI by reducing the length of runway.

In view of above, Aerodrome operator i.e. State Government may decide the course of action and intimate DGCA if required to process the cases of obstacles as per The Aircraft (Demolition of obstructions caused by Buildings and Trees etc.) Rules, 1994."

10. Thereafter, the issue was considered by the State Government and a Government Order was passed on 06.08.2021, which reads as follows:-

**"GOVERNMENT ORDER NO:YUSEe/02/YUSEKRI/2020;
BENGALURU, DATED:06.08.2021.**

Mitigation measures are required to be adopted to take care of the obstacles listed in the OLS Survey report of Airports Authority of India (AAI) and in accordance with Director General of Civil Aviation (DGCA), Civil Aviation Requirement (CAR Section 4 Series B Part VI) in respect of Jakkur Aerodrome, Bengaluru. The declared distances worked out and advised by Airports Authority of India vide their letter, dated: 15.06.2021 for Code 1 operations as given below shall be followed henceforth:-

RWY DESIGN	TORA (m)	TODA (m)	ASDA (m)	LDA (m)	DISP (m)
RWY 08	854	854	854	612	242
RWY 26	612	612	612	854	0

The modified Aerodrome data including declared distances etc., after taking into account the displaced

threshold as brought out in OLS Survey report by the Airports Authority of India shall be notified to all stakeholders and uploaded in GFTS website as Aerodrome data by the Director, Government Flying Training School, Jakkur, Bengaluru.

The NOC Committee meeting shall be convened to re-examine and consider the application already submitted by BMRCI, for issue of fresh NOC, for construction of Metro viaduct in front of runway of Jakkur Aerodrome to comply with the orders of the Hon'ble High Court in on 27.07.2021 in the Writ Petition No. 10518/2020(GM-RES-PIL)."

11. The matter was placed before the NOC Committee held on 31.08.2021 as is evident from Annexure R4 - Minutes. It is thereafter that Annexure R5 - NOC was issued by the Committee.

12. We notice that this Court had specifically directed the State Government to consider the mitigating measures suggested by the DGCA and take an appropriate decision on the said measures within six weeks. The decision of the State Government was to be placed before the NOC Committee along with the application made by the BMRCL for grant of NOC. The NOC Committee was directed to

consider the decision of the State Government also and to take an appropriate decision. The embargo was that unless the application of the BMRCL, for grant of NOC is considered afresh and NOC is granted, the construction of metro line on the western periphery of the Jakkur Airport shall not be undertaken. It is clear that considering the mitigating measures suggested by the DGCA on 20.05.2021, the Government passed an Order dated 06.08.2021, accepting the second suggestion of the DGCA and limiting the length of the runways. The said decision was placed before the NOC Committee and Annexure-R5 would show that the same was considered in the meeting held on 31.08.2021 and the NOC was issued. The contention of the complainant is that the NOC has been issued without mitigating measures being undertaken is not borne out by the records.

13. In the facts and circumstances of the instant case, we are not convinced that there is any wilful contempt of the Orders passed by this Court in the matter. We are of the opinion that Contempt of Court case is not liable to be proceeded with, the same stands ***dismissed***.

Notice, if any, issued shall stand discharged.

Pending interlocutory applications, if any, shall stand
disposed of.

**Sd/-
(ANU SIVARAMAN)
JUDGE**

**Sd/-
(T.M.NADAF)
JUDGE**

cp*