

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR.JUSTICE P.N.RAVINDRAN
&
THE HONOURABLE MR. JUSTICE ANIL K.NARENDRAN

MONDAY, THE 9TH DAY OF MARCH 2015/18TH PHALGUNA, 1936

DBP.No. 145 of 2013 ()

PARTIES:

1. SECRETARY, TRAVANCORE DEVASWOM BOARD.
2. CHIEF SECRETARY, GOVERNMENT OF KERALA.

***ADDITIONAL PARTIES 3 AND 4:**

3. THE STATE OF KERALA,
REP. BY THE CHIEF SECRETARY.
4. THE TRAVANCORE DEVASWOM BOARD,
REP. BY THE SECRETARY.

***ARE IMPEADED AS ADDITIONAL PARTIES 3 AND 4 AS PER ORDER DATED
13.11.2013 IN DBP 145/13.**

***ADDITIONAL PARTY 5:**

5. AERO SURVEY OF INDIA, G11 SECOND FLOOR,
GREEN PARK EXTENSION, NEW DELHI-110 016.

***IS IMPEADED AS ADDITIONAL PARTY NO.5 AS PER ORDER DATED
9.12.2013 IN DBP 145/13.**

***ADDITIONAL PARTY 6:**

6. KITCO LTD. FEMITH'S, PB NO.4407,
PUTHIYA ROAD, N.H. BYPASS, VENNALA, KOCHI - 682 028.

***IS IMPEADED AS ADDITIONAL PARTY NO.6 AS PER ORDER DATED
20.12.2013 IN DBP 145/13.**

***ADDITIONAL PARTIES 7 AND 8:**

7. M/S.KGS ARANMULA INTERNATIONAL AIRPORT LTD.,
HAVING ITS REGISTERED OFFICE AT "KGS CORPORATE HOUSE",
NO.43, BASANT AVENUE ROAD, ADAYAR, CHENNAI- 600 020 AND
HAVING ITS OFFICE AT J5, KOWDIAR GARDENS, GOLF LINKS ROAD,
KOWDIAR, THIRUVANANTHAPURAM - 695 003 REP. BY ITS
EXECUTIVE DIRECTOR AND AUTHORISED SIGNATORY
DR.NANDAKUMAR P.T., S/O.A.P.KRISHNAN, AGED 64 YEARS.

8. AIRPORTS AUTHORITY OF INDIA,
RAJIV GANDHI BHAVAN, SAFDURJUNG AIRPORT,
NEW DELHI - 110 003, REP. BY ITS CHAIRMAN.

*ARE IMPEADED AS ADDITIONAL PARTIES NO.7 AND 8 AS PER ORDER
DATED 1.1.2014 IN IA 3246/13 IN DBP 145/13.

*ADDITIONAL PARTY 9:

9. ARANMULA HERITAGE VILLAGE ACTION COUNCIL,
REP. BY ITS PATRON KUMMANAM RAJASEKHARAN,
THEKKENADA, ARANMULA P.O., PATHANAMTHITTA DIST.

* IS IMPEADED AS ADDITIONAL PARTY NO.9 AS PER ORDER DATED
10.1.2014 IN IA 86/14 IN DBP 145/13.

*ADDITIONAL PARTIES 10 AND 11:

10. KERALA STATE POLLUTION CONTROL BOARD,
REP. BY THE CHIEF ENVIRONMENTAL ENGINEER,
THIRUVANANTHAPURAM.
11. UNION OF INDIA, REP. BY ITS SECRETARY,
MINISTRY OF CIVIL AVIATION, RAJIV GANDHI BHAVAN,
SAFDURJUNG AIRPORT, NEW DELHI - 110 003.

*ARE IMPEADED AS ADDITIONAL PARTIES 10 AND 11 AS PER ORDERS
DATED 10.1.2014 IN DBP 145/13.

*ADDITIONAL PARTIES 12, 13, 14 AND 15:

12. SRI.JANARDHANAN NAIR. K., AGED 75 YEARS,
S/O.KUNJAN PILLAI, PALAKKAL HOUSE, VAZHAMATTOM EAST PO,
VALLIKKODU VILLAGE, PATHANAMTHITTA DISTRICT.

*IS IMPEADED AS ADDITIONAL PARTY 12 IN IA 93/14 AS PER ORDER DATED
10.3.14.

13. SRI.N.N.SASI, ADVOCATE, AGED 52 YEARS,
S/O.ACHUTHAN NARAYANAN, VINAYANANDAM, NEAR ARANMULA,
CHIRAYIRAMBU PO, THOTTAPPUZHASSERY VILLAGE,
THIRUVALLA TALUK, PATHANAMTHITTA.

*IS IMPEADED AS ADDITIONAL PARTY 13 IN IA 296/14 AS PER ORDER DATED
10.3.14.

14. SRI.C.N.NARAYANAN, AGED 58 YEARS, S/O. NARAYANAN,
RESIDING AT CHERUVUPARAMBIL HOUSE, KUZHIKALA PO,
MALLAPUZHASSERY VILLAGE, PATHANAMTHITTA, PATHANAMTHITTA
DISTRICT, EXECUTIVE COMMITTEE MEMBER, GURUKKANCAVU
MLANADA TEMPLE, ARANMULA.

*IS IMPEADED AS ADDITIONAL PARTY 14 IN IA 384/14 AS PER ORDER DATED
10.3.14.

15. SRI.DAMODARA SHARMA, AGED 67 YEARS,
S/O.KRISHNAN MOOSS, MANGALAPPALLIL ILLAM,
ARANMULA P.O., PATHANAMTHITTA DISTRICT.

*IS IMPEADED AS ADDITIONAL PARTY 15 IN IA 471/14 AS PER ORDER DATED
10.3.14.

P1 & P4 BY ADV. SRI.D.SREEKUMAR, SC, TDB

P2 & P3 BY SR. GOVERNMENT PLEADER SRI.A.RENJITH

PADDL.6 BY ADVS. SRI.S.SREEKUMAR (SR.)

SRI.P.MARTIN JOSE

P. BY ADV. SRI. SUBHASH CHAND.S.(ADVT. COMMISSIONER)

P(ADDL.R7) BY ADVS. SRI.R.KRISHNA RAJ

SRI.E.S.SONI

SRI.C.RAJENDRAN

SRI.K.K.SETHUKUMAR

RADDL.8 BY ADV. SRI.N.N.SASI, ADVOCATE (PARTY-IN-PERSON)

PADDL.8 BY ADV. SRI.V.SANTHARAM

RADDL.10 BY ADV. SRI. M.AJAY, SC, KERALA STATE POLLUTION CONTROL

RADDL. 11 BY ADV.SRI.N.NAGARESH, ASSISTANT SOLICITOR GENERAL

RADDL 12 BY ADVS. SRI.K.N.RADHAKRISHNAN(THIRUVALLA)

SRI.RENJITH THAMPAN (SR.)

SRI.M.V.ANANDAN

RADDL. BY ADV. SRI.M.GOPIKRISHNAN NAMBIAR

RADDL. BY ADV. SRI.P.GOPINATH

RADDL. BY ADV. SRI.P.BENNY THOMAS

RADDL. BY ADV. SRI.K.JOHN MATHAI

RADDL. BY ADV. SRI.NITHIN GEORGE

THIS DEVASWOM BOARD PETITION HAVING BEEN FINALLY HEARD ON
09-03-2015, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

VPV

P.N.RAVINDRAN & ANIL K.NARENDRA, JJ.

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D.B.P.No.145 of 2013

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Dated this the 9th day of March, 2015

ORDER

P.N.Ravindran, J.

This petition was registered upon receipt of T.D.B.Report No. 171 of 2013 dated 12.11.2013 from the Honourable Ombudsman appointed by this Court. Such a report was filed in the light of Annexure A news report that appeared in the Mathrubhoomi daily dated 12.11.2013 to the effect that the proposed airport at Aranmula will affect the gold mast and gopuram of Aranmula Parthasarathi Temple. The Honourable Ombudsman has in his report stated that reduction of the height of the flag mast and shifting of the gopuram are out of the question.

2. It is not in dispute that the environmental clearance granted by the Ministry of Environment and Forests, Government of India to M/s.K.G.S. Aranmula International Airport Limited was set aside by the Chennai Bench of the National Green Tribunal and the said order was upheld by the Apex Court. In such circumstances, there is no scope for the establishment of an airport at Aranmula for the reason that an airport cannot be established without the

requisite environmental clearance.

In such circumstances, notwithstanding the fact that this Court had appointed a Commissioner in the instant case and the Commissioner has filed a detailed report and parties have also filed their pleadings, we are of the opinion that no purpose will be served by keeping this petition pending. It is accordingly closed, leaving open the contentions of all the parties and with a further observation that in the event of environmental clearance being granted afresh, it will be open to any person interested in the matter to file an appropriate application to have this petition reopened. We also deem it appropriate to place on record our deep appreciation of the valuable service rendered by Sri.S.Subash Chand, the Advocate Commissioner appointed by this Court.

Sd/-

**P.N.RAVINDRAN
JUDGE**

Sd/-

**ANIL K.NARENDRA
JUDGE**

vpv