

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

Amk

PUBLIC INTEREST LITIGATION NO. 28 OF 2014

Jan Prabodhan Sangh

.. Petitioner

Vs.

Union of India & Ors.

.. Respondents

Mr. Anand Poojari a/w. Ms. Nikita Pawar, Jalpa Pithadia, Shakuntala Joshi for the Petitioner.

Mr. Parag A. Vyas for Respondent No.1-UOI.

Ms. Uma Palsuledesai, AGP for Respondent Nos.3, 10 & 12.

Ms. Kavita Anchan a/w. Ms. Shruti G. Potnis Mr. Arsh Misra i/b M. V. Kini & Co. for Respondent No.4.

Mr. Pravin Samdani, Senior Advocate a/w. Ms. Shoma Miaitra and Mr. Nikhil Apte i/b Wadia Ghandy & Co. for Respondent No.5.

Ms. Kiran Bhagalia for Respondent No.7-MMRDA.

Mr. Jagdish G. Aradwad (Reddy) a/w. Mr. Arvind Aswani for Respondent No.8.

Ms. Dhruti Kapadia a/w. Ms. K. H. Mastakar for Respondent No.9-MCGM.

**CORAM : PRADEEP NANDRAJOG, C.J. &
M. S. KARNIK, J.**

DATE : 18th OCTOBER, 2019.

P. C. :

1. The crystal which emerges for the prolix pleadings in the instant Public Interest Litigation is that on 04.04.2006 an Operation Management and Development Agreement was executed between Respondent Nos.4 and 5. The same had a Clause 2.6.3 which permitted Carved Out Assets to be further allocated by Respondent No.4 to Respondent No.5 if required to provide aeronautical services or

developing and/or constructing any aeronautical assets. In exercise of said covenant between the parties a Supplemental Lease Deed was executed on 15.05.2009 wherein 43.98 acres Carved Out Asset land was demised by Respondent No.4 in favour of Respondent No.5.

2. The grievance of the Petitioner is that Respondent No.5 is intending to use the additional land for a non-aeronautical purpose.

3. In the written submission filed by Respondent No.5, it is stated that the said Respondents shall not use the land for construction/development of GVK Skycity and the land demised on 15.05.2009 would be used strictly for aeronautical purpose.

4. We bind Respondent No.5 to its stand.

5. The Public Interest Litigation is disposed of.

6. The sum of ₹ 5 lakhs deposited by the Petitioner pursuant to the order dated 24.03.2017 shall be returned to the Petitioner with interest which has accrued thereon.

[M. S. KARNIK, J.]

[CHIEF JUSTICE]