



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P.[MD]Nos.8960, 8961 and 8964 of 2021

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W.P.[MD]No.8960 of 2021:-

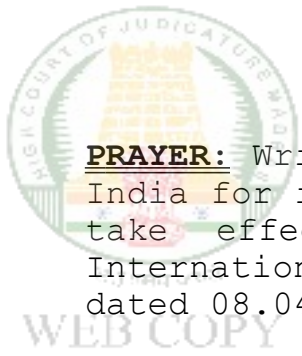
Tamilnadu Chamber of Commerce and Industry,
Rep. by its President,
Mr.N.Jegatheesan,
178-B, Kamarajar Salai,
Madurai - 625 009.

... Petitioner

Vs.

- 1.Union of India,
Rep. by the Secretary,
Ministry of Civil Aviation,
New Delhi.
- 2.Union of India,
Rep. by the Secretary,
Ministry of Home Affairs,
North Block,
New Delhi - 110 001.
- 3.The Executive Director,
Airports Authority of India,
354, B-Block, Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi - 110 003.
- 4.The Regional Executive Director,
Airports Authority of India,
Southern Region,
Anna International Airport,
Meenambakkam, Chennai - 600 027.
- 5.The Airport Director,
Airports Authority of India,
Madurai Airport,
Madurai - 625 022.
- 6.The Director General of Police,
Central Industrial Security Force,
CISF H Quarters, 13 - CGO's Complex,
Lodhi Road, New Delhi - 110 003.

... Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take effective steps for declaring the Madurai Airports an International Airport in terms of the Petitioner's representation dated 08.04.2021.

For Petitioner : Ms.R.Hemalatha
for Mr.Babu Rajendran
For Respondent Nos.1, 2 & 6 : Mr.L.Victoriya Gowri
Assistant Solicitor General of India
For Respondent Nos.3 to 5 : Mr.C.Godwin
Standing Counsel

W.P.[MD]No.8961 of 2021

Tamilnadu Chamber of Commerce and Industry,
Rep. by its President,
Mr.N.Jegatheesan,
178-B, Kamarajar Salai,
Madurai - 625 009.

... Petitioner

Vs.

- 1.Union of India,
Rep. by the Secretary,
Ministry of Civil Aviation,
New Delhi.
- 2.Government of Tamil Nadu,
Rep. by the Principal Secretary,
Revenue Department,
Fort St. George,
Chennai - 600 005.
- 3.The Commissioner of Land Administration,
2nd Floor, Ezhilagam,
Chepauk, Chennai - 600 005.
- 4.The District Collector,
Madurai Collectorate,
Madurai - 625 020.
- 5.The Executive Director,
Airports Authority of India,
354, B-Block, Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi - 110 003.



6.The Regional Executive Director,
Airports Authority of India,
Southern Region,
Anna International Airport,
Meenambakkam, Chennai - 600 027.

7.The Airport Director,
Airports Authority of India,
Madurai Airport,
Madurai - 625 022.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take necessary steps regarding the expansion of runway in Madurai Airport considering the Petitioner's representation dated 09.04.2021 and received by them on various dates.

For Petitioner	: Ms.R.Hemalatha for Mr.Babu Rajendran
For Respondent No.1	: Mr.L.Victoriya Gowri Assistant Solicitor General of India
For Respondent Nos.2 to 4	: Mr.R.Baskaran Standing Counsel for Government
For Respondent Nos.5 to 7	: Mr.C.Godwin Standing Counsel

W.P.[MD]No.8964 of 2021:-

Tamilnadu Chamber of Commerce and Industry,
Rep. by its President,
Mr.N.Jegatheesan,
178-B, Kamarajar Salai,
Madurai - 625 009.

... Petitioner

Vs.

1.Union of India,
Rep. by the Secretary,
Ministry of Agriculture,
KrishiBhawan,
New Delhi - 110 001.

2.Union of India,
Rep. by the Secretary,
Ministry of Commerce & Industry,
UdyogBhawan,
New Delhi - 110 011.



3.The Joint Director,
Plant Quarantine Division,
Ministry of Agriculture,
NH IV, Faridabad - 121 001.

4.The Regional Joint Director,
Regional Plant Quarantine Station,
GST Road, Near Trident Hotel,
Meenakbakkam, Chennai - 600 027.

5.The Chairman,
Agricultural and Processed Food Products,
Export Development Authority (APEDA),
3rd Floor, NCUI Building, 3, Sri Institutional Area,
Opp. to Asiad Village, New Delhi - 110 016.

6.The Government of Tamil Nadu,
Rep. by the Principal Secretary/Commissioner of Agriculture,
Marketing and Agri Business,
Thiruvika Industrial Estate,
Guindy, Chennai - 600 032.

7.The Airport Director,
Airport Authority of India,
Madurai Airport, Madurai - 625 022.

8.The Director,
Directorate of Plant Protection,
Quarantine and Storage,
Ministry of Agriculture & Farmers Welfare,
Room No.409, B Wing,
ShastriBhawan,
New Delhi - 110 001.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to take necessary steps for setting up adequate infrastructure with reference to a permanent Plant Quarantine facility and cold storage as set forth by the Petitioner vide its representation dated 08.04.2021.

For Petitioner	: Ms.R.Hemalatha for Mr.Babu Rajendran
For Respondent Nos.1 to 5 & 8	: Mr.L.Victoriya Gowri Assistant Solicitor General of India
For Respondent No.6	: Mr.R.Baskaran, Standing Counsel for Government
For Respondent No.7	: Mr.C.Godwin Standing Counsel



COMMON ORDER

[Common Order of the Court was made by **T.S.SIVAGNANAM, J.**]

Heard Ms.R.Hemalatha, learned counsel for the petitioner in these Writ Petitions, Mrs.L.Victoria Gowry, learned Assistant Solicitor General of India, appearing for the Central Government, Mr.R.Baskaran, learned Standing Counsel for Government, appearing for the State and Mr.C.Godwin, learned Standing Counsel appearing for the Airports Authority of India.

2.W.P.(MD) No.8960 of 2021 has been filed seeking for a direction upon the respondents to take effective steps for declaring the Madurai Airport as an International Airport in terms of the Petitioner's representation dated 08.04.2021. W.P.(MD) No.8961 of 2021 has been filed seeking for a direction upon the respondents to take necessary steps regarding the expansion of runway in Madurai Airport by considering the Petitioner's representation dated 09.04.2021. W.P.(MD) No.8964 of 2021 has been filed seeking for a direction upon the respondents to take necessary steps for setting up adequate infrastructure with reference to a permanent Plant Quarantine facility and cold storage as set forth by the Petitioner vide its representation dated 08.04.2021.

3. There are three aspects remain for consideration in this matter. Firstly, the relief sought for is to declare Madurai Airport as an International Airport and the Secretary, Ministry of Civil Aviation, New Delhi has filed a counter affidavit stating that a decision has to be taken by the Cabinet in the matter and they have not yet proceeded in those directions. With regard to the expansion of runway in Madurai Airport, it is stated that there is a proposal for expansion of the runway and it is feasible only if the State Government acquire lands. The learned Assistant Solicitor General of India submitted that the State Government is required to realign the State Highway, which will be affected if the expansion is taken. With regard to permanent plant quarantine facility and cold storage are concerned, the first and foremost step to be taken is expansion of runway and if the runway is expanded as wide, it will be able to handle larger aircraft and heavier traffic. Once this is implemented, the next step that can be taken to declare the Madurai Airport as an International Airport and once it is declared as an International Airport, then the plant quarantine facility will be adequate.

4. Mr.R.Hemalatha, learned counsel for the petitioner in these Writ Petitions would submit that insofar as the cold storage facility and permanent plant quarantine facility are concerned, it has nothing to do with the status of the International Airport, but it has to be done taking into consideration the volume of the export, which has not been able to be made through Madurai Airport due to lack of cold storage and plant quarantine facility in the Madurai



Airport.

5.The airport has filed a counter affidavit stating that two numbers of Cold Storage facility (Walk-in-type) with a capacity of 5 tons has been set up in Madurai Airport in 2019 to facilitate export as 90% of the cargo exporting from Madurai, is perishable in nature. Further, it is stated that the present capacity of cold storage facility is sufficient to cater the current volume of cargo handled by the Madurai Airport.

6.So for as the Plant Quarantine Officer is concerned, the learned counsel for the petitioner is right that on the earlier occasion, there was one Assistant Plant Protection Officer. As could be seen from the counter affidavit filed by the Airport Director, a Plant Protection Officer has been posted in the Madurai Airport and initially two officers were appointed on deputation basis and one Assistant Plant Protection Officer has been posted in December, 2020 exclusively for Madurai Airport as a result of various letters sent by the Airports Authority of India.

7.The grievance of the petitioner is that the officer, who is posted in Madurai should be the certifying authority and if the Assistant Plant Protection Officer does not have certifying power, there is no use of posting such an officer. It is not clear in the counter affidavit as to whether the Assistant Plant Protection Officer is a certifying authority or not, if he is not a certifying authority, then the concerned department should examine whether such power can be delegated to the said officer holding the post, who can certify cargo, needs to be posted. Otherwise, the cargo may be kept in cold storage for more number of days than necessary.

8.Insofar as, land acquisition is concerned, we hope and wish the State Government takes appropriate steps in the said direction for acquisition of land. We can take judicial notice of the fact from the news report that an Hon'ble Minister of Tamil Nadu held talks discussing about the expansion of the Madurai Airport and aspects like land acquisition etc. If adequate steps are taken in this direction, there is nothing impossible to achieve.

9.The present litigation should not be considered as an adversarial litigation as it has been filed by the Tamil Nadu Chambers of Commerce and Industry and its members are corporate, who provide employment and support the economy. Therefore, their voice should be heard by the appropriate respondents.



10. These Writ Petitions are disposed of accordingly. No costs.

Sd/-

Assistant Registrar (CS I)

// True Copy //

/ /2021

Sub Assistant Registrar (CS)

sj

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

(*) Substituted order already despatched on 30.07.2021

1. The Secretary,
Ministry of Civil Aviation,
Union of India,
New Delhi.
2. The Secretary,
Ministry of Home Affairs,
Union of India,
North Block,
New Delhi - 110 001.
3. The Secretary,
Ministry of Agriculture,
Union of India,
Krishi Bhawan,
New Delhi - 110 001.
4. The Secretary,
Ministry of Commerce & Industry,
Union of India,
Udyog Bhawan,
New Delhi - 110 011.
5. The Principal Secretary/Commissioner of Agriculture,
Government of Tamil Nadu,
Marketing and Agri Business,
Thiruvika Industrial Estate,
Guindy, Chennai - 600 032.



6.The Principal Secretary,
Revenue Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 005.

7.The Commissioner of Land Administration,
2nd Floor, Ezhilagam,
Chepauk, Chennai - 600 005.

8.The Director General of Police,
Central Industrial Security Force,
CISF H Quarters, 13 - CGO's Complex,
Lodhi Road, New Delhi - 110 003.

9.The Director,
Directorate of Plant Protection,
Quarantine and Storage,
Ministry of Agriculture & Farmers Welfare,
Room No.409, B Wing,
Shastri Bhawan,
New Delhi - 110 001.

10.The Joint Director,
Plant Quarantine Division,
Ministry of Agriculture,
NH IV, Faridabad - 121 001.

11.The Regional Joint Director,
Regional Plant Quarantine Station,
GST Road, Near Trident Hotel,
Meenakbakkam, Chennai - 600 027.

12.The Chairman,
Agricultural and Processed Food Products,
Export Development Authority (APEDA),
3rd Floor, NCUI Building, 3, Sri Institutional Area,
Opp. to Asiad Village, New Delhi - 110 016.

+3 CC to M/s.C.GODWIN, Advocate (SR-22620, 22621, 22622 dated
15/07/2021)

+1 CC to M/s.BABU.RAJENDRAN, Advocate (SR-22632[F] dated 15/07/2021)

COMMON ORDER MADE IN
W.P.[MD]Nos.8960, 8961 and 8964 of 2021
14.07.2021

RS (26.10.2021) 8P 17C