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W.P.No.22574 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.01.2024

CORAM :

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.No.22574 of 2023
and
W.M.P.No.24674 of 2023

M/s.Karaikal Airport Private Limited,
Rep. by its Director,
Having Registered Office at
No.1, Kudiyan Street, Kiliyanur Village,
Nedungadu Post, Karaikal - 609 603

.. Petitioner

vs

- 1.The Government of India,
Rep. by its Secretary,
Ministry of Civil Aviation,
B Block, Rajiv Gandhi Bhawan,
New Delhi.
- 2.The Government of Puducherry,
Rep. by the Chief Secretary,
Main Building, Chief Secretariat,
Puducherry - 605 001.
- 3.The Airports Authority of India
Rep. by its Chairman
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi - 110 001.
- 4.The Director of Tourism
Department of Tourism,
Government of Puducherry,
No.40, Goupert Avenue,
Puducherry - 605 001.



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5.The Deputy Collector,
O/o. the Deputy Collectorate cum Revenue,
Collectorate, Karaikal - 609 605.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus directing 2nd respondent to consider the representation dated 25.05.2023 issued by the writ petitioner and consequently draft an action plan for the implementation of project approval and site clearance issued by 1st respondent dated 24.02.2011 in F.No.AV/24032/057/2007-AA for the development of a Greenfield Airport at Ponbethi, Puthakudy and Varichikudy revenue villages of Karaikal in Pondicherry as per the Guidelines for setting up of Greenfield Airports issued by the 1st respondent within a reasonable time-frame fixed by this Court.

For Petitioner : Mr.Anish Gopi

For Respondents : Mr.R.Sreedhar, AGP (P)
for R2, R4 & R5
Ms.Umayal Muthiah for R3
R1 - Not ready notice

ORDER

W.M.P.No.61 of 2024 is ordered and W.P.No.22574 of 2023 listed under a special list today.

2. The petitioner is Karaikal Airport Private Limited. A mandamus is sought directing the second respondent, being the Chief Secretary to the Government of Puducherry to consider its representation dated 25.05.2023 and draft an action plan for implementation of the project approval and site clearance issued by the Secretary, Ministry of Civil Aviation, Government of India / R1 on 24.02.2021 for development of Greenfield Airport at Ponbethi, Puthakudy and Varichikudy revenue villages of Karaikal,



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Puducherry, as per the guidelines.

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2. Mr.R.Sreedhar, learned Additional Government Pleader, who appears for R2, R4 and R5, assures the Court as well as the petitioner that representation will be looked into and disposed expeditiously.

3. In this regard, petitioner refers to the in-principle approval issued by R1 on 24.02.2011. However, the relevance of this document, which has been issued nearly 13 years ago is to be looked into by R2 in deciding the representation of the petitioner.

4. R1 has, by letter dated 10.08.2023 threatened withdrawal of the in-principle approval in light of the long elapse of time in the interim. R1 has stated therein that if there was no response within 30 days, it would be deemed that the project implementation was not feasible at the identified site and the matter would be processed for cancellation / withdrawal of in-principle approval.

5. Petitioner states that a response has been given to R1 citing the pendency of this writ petition as well as its representation before the authority. However, the in-principle approval was granted in 2011, whereas the representation is dated 25.05.2023 and the writ petition has also instituted only in May 2023. Hence, as R2 suggests, it may be appropriate that the



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petitioner submit a fresh application for approval and take matters forward in a more timely fashion. The ball is now in the court of the petitioner to pursue the matter with R1. Let R2, for its part, be appraised of the developments to enable it to decide the representation as expeditiously as possible, in accordance with law.

6. This writ petition stands disposed in terms of this order. No costs. Connected miscellaneous petition is closed.

23.01.2024

Index:Yes/No

Neutral Citation:Yes

ssm

To

1.The Secretary,

The Government of India,
Ministry of Civil Aviation, B Block, Rajiv Gandhi Bhawan,
New Delhi.

2.The Chief Secretary,

The Government of Puducherry,
Main Building, Chief Secretariat,
Puducherry - 605 001.

3.The Chairman

The Airports Authority of India
Rajiv Gandhi Bhawan,
Safdarjung Airport,
New Delhi - 110 001.

4.The Director of Tourism

Department of Tourism,
Government of Puducherry,
No.40, Goupert Avenue,
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5.The Deputy Collector,



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O/o. the Deputy Collectorate cum Revenue,
Collectorate, Karaikal - 609 605.

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DR. ANITA SUMANTH,J.

ssm

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