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**CWP-27436-2015 (O&M)**  
**and other connected cases**  
MOHALI INDUSTRIES ASSOCIATION VS UNION OF INDIA AND  
ORS.

Present : Mr. M.L. Sarin, Senior Advocate (amicus curiae), with  
Mr. Ritesh Aggarwal, Advocate.

Mr. Sachin Jain, Advocate,  
for the petitioner in CWP-27436-2015.

Mr. Amandeep Singh, Advocate,  
for the petitioners in CWP-32611-2019.

Mr. Rohit Nagpal, Advocate  
Mr. A.S. Rawaley, Advocate  
for the petitioners in CWP-6038-2020.

Mr. ADS Jattana, Advocate  
for the petitioner(s).

Mr. Anmoldeep Singh, Advocate  
for petitioner in CWP-32611-2019

Mr. Satya Pal Jain, Addl. Solicitor General of India, with  
Mr. Arun Gosain, Senior Govt. Counsel for UOI.

Mr. Shekhar Verma, Addl. A.G., Punjab.

Mr. G.S. Attariwala, Senior Advocate, with  
Mr. Vansh Chawla, Advocate,  
for MC Zirakpur in CWP-27436-2015.

Mr. Yogender Verma, Advocate,  
for respondent No.5 – GMADA in CWP-26436-2015.

Mr. Vivek Singla, Advocate,  
Mr. Vikas Thakur, Advocate,  
for AAI/CHIAL.

Mr. Deepak Sabarwal, Advocate,  
for CBI in CWPs-27436-2015 and 32611-2019.

Mr. Tanuj Goyal Tohana, Advocate,  
for Spice Jet Airlines.

Mr. J.S. Chandail, Additional Standing Counsel  
for U.T., Chandigarh.

Mr. Devyansh, Advocate, for  
Mr. Jagdish Manchanda, Advocate,  
for respondents No.2 and 3 in CWP-27436-2015 and  
for respondent No.4 in CWP-2012-2017.

Mr. Sushil K. Bhardwaj, Advocate, for  
Mr. Paras Money Goyal, Advocate,  
for the respondent (s).

Mr. Aditya Vermani, Advocate,  
for respondents No.10 and 11 in CWP-20852-2023.

**CM-12903-CWP-2024**

Allowed as prayed for. Reports regarding alternative route to  
International Airport Chandigarh are taken on record.

**CM-15345-CWP-2024**

Allowed as prayed for. Status report by way of affidavit filed  
on behalf of respondent-Indian Air Force in terms of order dated 28.02.2024  
is taken on record.

**Main cases**

1. This petition was filed in 2015 with the following prayers:-

*i) directing the Respondents to ensure the operation  
of the international terminal of the Chandigarh  
International Airport as the non-operation of the same is  
causing the huge loss not only to the public exchequer  
but also to passenger services and business and/or  
industries situated in Punjab, Haryana and Himachal  
Pradesh;*

*ii) Direct the respondents to equip the said international  
airport with adequate infrastructure in order to make the  
said airport truly an international airport in a time  
bound manner as it poses a great loss to the potential  
foreign investment in this region and more especially*

*when an International Airport has been constructed for the welfare of the passengers with all the modern amenities and facilities;*

*iii) directions to the respondents to initiate an enquiry to find out whether administrative/departmental action needs to be taken against the errant government officials responsible for non-operation of the international airport in the present case which has led to a loss to the public exchequer;*

*iv) any other writ, order or direction to which this Hon'ble court may deem fit and proper in the facts and circumstances of the present case;*

2. Later the issue of exploring shorter route from Chandigarh to Chandigarh International Airport was discussed and certain orders were passed where in principle it was agreed on 25.05.2023 that 14.02 acres of land will be acquired and 0.98293 hectares of defence land will be surrendered for construction of alternative route through three villages namely Jagatpura, Kandala and Jhurehri and a committee headed by Sh.S.P.Jain, Additional Solicitor General of India, was constituted, which was directed to submit timeline for ensuring expeditious completion of the proposed shorter route.

3. Meanwhile, in regard to the main issue of Chandigarh Airport having negligent international flights, the non-availability of night landing facility was the biggest obstacle, which was resolved by installation of CAT-II ILR in March, 2023.

4. However, the timeline for construction of alternative route is still hanging fire and has not been submitted till date.

5. There is also no explanation coming from the Chandigarh International Airport Authority Limited as to why there are only two international flights from Chandigarh (UT and capital of two prosperous States) on daily basis i.e to Sharjahan and Dubai. It is unfortunate to note that even a District Headquarter like Amritsar has more than 14 international flights to various countries.

6. The Secretary, Ministry of Civil Aviation, Govt. of India, New Delhi, is directed to file an affidavit as to why the number of international flights from Chandigarh has remained static and has not been increased despite the airport becoming CAT-II ILR compliant more than eighteen (18) months ago.

7. As regards the shorter route, the stand of the Indian Air Force is revealed in letter dated 23.10.2023 vide Annexure A-2 alongwith CM-15345-CWP-2024 that IAF has no objection for construction of the proposed shorter route, subject to complying with certain conditions, which are delineated herebelow:-

*a) Widening of road to be carried out without creating any structure, wherever, existing road falls within 100 meters of distance from parapet of Air Force Station Chandigarh.*

*b) No tree is permitted to be planted along the road and no pole to be erected, wherever, widening of road is carried out within 100 meters from boundary wall of Air Force Station Chandigarh*

*c) It is to be ensured that there is no parking/temporary halting of vehicles on this road within 100 meters of the Air Force Station Chandigarh*

*d) Any activity by the Civil Administration should not hamper/affect flight operations and security of the Airbase.*

*e) Widening of road will intersect AF defence land acquired for drain in village Kandala. It may be ensured that widening of road does not infringe outflow of AF*

*drain water and proper outlet may be provided by State Administration.*

*f) Any increase in elevation in present road needs to be intimated to this Station to analyse its implication on flying operations before execution of widening work.”*

8. In view of above, it would be appropriate to requisition a certificate from the Secretary, Ministry of Civil Aviation, Govt. of India, New Delhi, as to whether there is any plan for extending the airport and if yes, then on which side of the airport?. The Secretary, Department of Civil Aviation, Punjab, is also directed to file an affidavit explaining as to what steps have been taken to increase the number of international flights from Chandigarh International Airport.

9. List on 06.11.2024.

10. It is made clear that if the affidavits are not filed well before the date fixed, the Secretary, Ministry of Civil Aviation, Govt. of India shall appear virtually before the Court on the next date.

11. It is also directed that copy of the affidavit or any other pleadings, filed by the rival parties shall be furnished in advance to Sh.M.L.Sarin, Amicus Curiae.

12. A photocopy of this order be placed on the files of the other connected cases.

**(SHEEL NAGU)**  
**CHIEF JUSTICE**

**25.10.2024**  
rekha

**(ANIL KSHETARPAL)**  
**JUDGE**