



IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE MR. JUSTICE VIJU ABRAHAM

THURSDAY, THE 20TH DAY OF JUNE 2024 / 30TH JYAISHTA, 1946

WP(C) NO. 13775 OF 2024

PETITIONERS:

- 1 AYANA CHARITABLE TRUST (FORMERLY KNOWN AS GOSPEL FOR ASIA) AGED 67 YEARS MANJADI P.O., THIRUVALLA, PATHANAMTHITTA DISTRICT, KERALA STATE, REPRESENTED BY SMT. SINY PUNNOOSE, MANAGING TRUSTEE AND CHIEF FUNCTIONARY OF THE TRUST THROUGH HER POWER OF ATTORNEY HOLDER AND GENERAL ADMINISTRATOR OF THE TRUST, MR. JACOB POTHEN, S/O. LATE T.K. POTHEN, THERADIYIL HOUSE, NIRANAM WEST MURI, NIRANAM VILLAGE, THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT, KERALA, PIN - 689103
- 2 DR. SINY PUNNOOSE AGED 57 YEARS MANAGING TRUSTEE OF AYANA CHARITABLE TRUST, KADAPPILARIL HOUSE, KIZHAKKENMUTHOOR MURI, KUTTAPPUZHA P.O, THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT REPRESENTED BY HER POWER OF ATTORNEY HOLDER MR. JACOB POTHEN, AGED 67, S/O. LATE T.K. POTHEN, THERADIYIL HOUSE, NIRANAM WEST MURI, NIRANAM VILLAGE, THIRUVALLA TALUK, PIN - 689103 BY ADVS. RISHIKESH HARIDAS SHIJIMOL M.MATHEW

RESPONDENTS:

- 1 STATE OF KERALA, REPRESENTED BY ITS CHIEF SECRETARY GOVERNMENT OF KERALA, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM., PIN - 695001
- 2 DISTRICT COLLECTOR KOTTAYAM DISTRICT, COLLECTORATE, KOTTAYAM., PIN - 686001
- 3 CENTRE FOR MANAGEMENT DEVELOPMENT (CMD), REPRESENTED BY ITS MEMBER SECRETARY & DIRECTOR, CENTRE FOR MANAGEMENT DEVELOPMENT, THYCAUD, THIRUVANANTHAPURAM, PIN - 695001
- 4 THE DEPUTY COLLECTOR (LA) KOTTAYAM, ADMINISTRATOR, PROPOSED ACQUISITION OF SABARIMAL GREENFIELD AIRPORT, COLLECTORATE, KOTTAYAM, PIN - 686001
- 5 SPECIAL TAHSILDHAR LA (GENERAL), KOTTAYAM, COLLECTORATE, KOTTAYAM., PIN - 686001
- 6 BISHOP DR. SAMUEL MATHEW KAITHAPPATALIL HOUSE, 28 THIRUVALLA, PATHANAMTHITTA DISTRICT., PIN - 689101
- 7 BISHOP DR. JURIA BARDHAN HOUSE NO. IV/267 TMC, CHUMATRA MURI, KUTTAPPUZHA VILLAGE, THIRUVALLA TALUK, PATHANAMTHITTA DISTRICT., PIN - 689103



- 8 BISHOP DR. SIMON JOHN CHITTAZHATH HOUSE, KUMBANAD,
THIRUVALLA, PATHANAMTHITTA DISTRICT, PIN - 689103
- 9 REV. DR. DANIEL JOHNSON SUNBEAM, 11, NANTHANCODE
PLAMMOODU, PATTOM, KAWDIAR VILLAGE, KAWDIAR TALUK,
TRIVANDRUM, PIN - 695003
- 10 REV. FR. PRAISON JOHN PATTAPARAMBIL EBENEZER VILLA,
PALACOTTAL ROAD, KUTTAPUZHA P.O, THIRUVALLA,
PATHANAMTHITTA DISTRICT, PIN - 689103
- 11 KERALA STATE INDUSTRIAL DEVELOPMENT CORPORATION
LIMITED (SOUGHT TO BE IMPEADED) REPRESENTED BY ITS
CHAIMAN., T.C.XI/266, KESTON ROAD, KOWDIAR, TRIVANDRUM
(SOUGHT TO BE IMPEADED)
- 12 FRANCIS JOSEPH (SOUGHT TO BE IMPEADED) S/O
CHERIYATH JOSEPH, RESIDING AT POOVARANI, MEENACHIL,
KOTTAYAM DISTRICT (SOUGHT TO BE IMPEADED)
BY ADVS. ADVOCATE GENERAL OFFICE KERALA
S.CHANDRASEKHARAN NAIR SABU GEORGE
SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL()
P.U.SHAILAJAN P.B.SUBRAMANYAN MANU VYASAN PETER
P.B.KRISHNAN (SR.)
G.P. - DEEPA V.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20.06.2024, ALONG WITH WP(C).13659/2024, THE COURT ON THE SAME
DAY DELIVERED THE FOLLOWING:

**IN THE HIGH COURT OF KERALA AT ERNAKULAM****PRESENT****THE HONOURABLE MR.JUSTICE VIJU ABRAHAM****THURSDAY, THE 20TH DAY OF JUNE 2024 / 30TH JYAISHTA, 1946****WP(C) NO. 13659 OF 2024****PETITIONERS:**

- 1 JOSHY JOSEPH AGED 51 YEARS S/O JOSEPH GASPAR,
PERUMBETTICKUNNEL HOUSE, KARIKKATTOOR CENTRE, KARIKKATTOOR
CENTRE P O, KOTTAYAM DISTRICT, PIN - 686544
- 2 JAMES SEBASTIAN AGED 81 YEARS S/O SEBASTIAN, PULPEL HOUSE,
ERUMELY P O, KOTTAYAM DISTRICT, PIN - 686509
- 3 MATHEW AGED 79 YEARS S/O SIMON, CHENGOTTAYIL HOUSE,
KANAKAPPALAM P O., ERUMELY, KOTTAYAM DISTRICT, PIN -
686509
BY ADV PRAKASH M.P.

RESPONDENTS:

- 1 UNION OF INDIA REPRESENTED BY ITS SECRETARY, MINISTRY OF
ENVIRONMENT, FOREST AND CLIMATE CHANGE, PARYAVARAN BHAVAN,
JOR BHAG, NEW DELHI, PIN - 110003
- 2 SECRETARY TO GOVERNMENT OF INDIA CIVIL AVIATION
DEPARTMENT, NEW DELHI, PIN - 110001
- 3 THE RAILWAY BOARD REPRESENTED BY IT'S CHAIRMAN, RAIL
BHAVAN, 256 A, RAISINA ROAD, RAJPATH AREA, CENTRAL
SECRETARIAT, NEW DELHI, PIN - 110001
- 4 STATE OF KERALA REPRESENTED BY ITS SECRETARY TO THE
GOVERNMENT, REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN - 695001
- 5 DISTRICT COLLECTOR COLLECTORATE, KOTTAYAM, PIN - 686001
- 6 SPECIAL TAHASILDAR LAND ACQUISITION, (GENERAL), KOTTAYAM,
PIN - 686001
- 7 DEPUTY COLLECTOR LAND ACQUISITION, KOTTAYAM, PIN - 686001
- 8 CENTRE FOR MANAGEMENT DEVELOPMENT REPRESENTED BY ITS
DIRECTOR & MEMBER SECRETARY, THYCAUD, THIRUVANANTHAPURAM,
PIN - 695014
BY ADVS. KRISHNA T C ADVOCATE GENERAL OFFICE KERALA Ravi
krishnan SHRI.K.P.JAYACHANDRAN, ADDL. ADVOCATE GENERAL()
G.P. - DEEPA V.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON
20.06.2024, ALONG WITH WP(C).13775/2024, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:



VIJU ABRAHAM , J.

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WP(C) Nos. 13775 & 13659 of 2024
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Dated this the 20th day of June, 2024

J U D G M E N T

When the matter was taken up for consideration, the learned Advocate General upon instructions submitted that Government propose to withdraw the notifications issued under Section 11(1) of the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013 (hereinafter referred to as 'the Act, 2013'), which is produced as Ext.P1 in WP(C) No.13659 of 2024 and as Ext.P43 in WP(C) No.13775 of 2024. It is also submitted by the learned Advocate General that the Government has taken a decision to conduct a fresh SIA study through a different agency, and therefore fresh notifications will be issued under Section 4(1) of the Act 2013, in place of Ext.P43 produced in WP(C) No.13775 of 2024.

Recording the above submission, these writ petitions are closed leaving open all other contentions on both sides.

Sd/-
VIJU ABRAHAM
JUDGE

sbk/-



APPENDIX OF WP(C) 13659/2024

PETITIONER EXHIBITS

- Exhibit P1 COPY OF THE GAZETTE NOTIFICATION G.O(P) NO. 95/2024/RD DATED 13.03.2024
- Exhibit P2 COPY OF THE SOCIAL IMPACT ASSESSMENT REPORT ON LAND ACQUISITION FOR THE CONSTRUCTION OF SABARIMALA GREENFIELD AIRPORT
- Exhibit P3 COPY OF THE SITE CLEARANCE CERTIFICATE DATED 13.04.2023 OF THE GOVERNMENT OF INDIA
- Exhibit P4 COPY OF THE RELEVANT PAGES OF THE RECOMMENDATIONS OF THE EXPERT COMMITTEE APPRAISAL REPORT ON SIA REPORT ON LAND ACQUISITION OF SABARIMALA GREENFIELD AIRPORT
- Exhibit P5 COPY OF THE JUDGMENT DATED 14.02.2022 IN W.A NOS.169, 176, 179 & 186 OF 2022 OF THIS HON'BLE COURT

**APPENDIX OF WP(C) 13775/2024**

PETITIONER EXHIBITS

- Exhibit P1 TRUE COPY OF THE SALE DEED NO: 2329/2005 DATED 01.08.2005
- Exhibit P2 TRUE COPY OF THE LAND TAX RECEIPT DATED 13.08.2007 OF ERUMELI VILLAGE
- Exhibit P3 TRUE COPY OF THE LAND TAX RECEIPT DATED 13.08.2007 OF MANIMALA VILLAGE
- Exhibit P4 TRUE COPY OF THE CERTIFICATE OF REGISTRATION AS AMENDED DATED 01.08.1990
- Exhibit P5 TRUE COPY OF THE ORDER DATED 18.10.2007 ISSUED BY THE VILLAGE OFFICER, MANIMALA
- Exhibit P6 TRUE COPY OF THE ORDER DATED 22.10.2007 ISSUED BY THE VILLAGE OFFICER, MANIMALA
- Exhibit P7 TRUE COPY OF THE ORDER OF THIS HON'BLE COURT IN WP(C).NO.32628/2007 DATED 10.04.2008
- Exhibit P8 TRUE COPY OF THE PROCEEDINGS OF THE KANJIRAPPALLY TAHSILDHAR NO.B8-12633/2005 DATED 11.12.2008
- Exhibit P9 TRUE COPY OF ORDER NO. 5679/2008 PASSED BY THE REVENUE DIVISIONAL OFFICER, KOTTAYAM DATED 19.06.2009
- Exhibit P10 TRUE COPY OF THE ORDER NO.E9-38186/09 OF THE DISTRICT COLLECTOR DATED 05.02.2010
- Exhibit P11 TRUE OF THE ORDER OF THE ADDITIONAL TAHSILDAR, KANJIRAPPALLY NO.B8-12633/05 DATED 29.05.2010
- Exhibit P12 TRUE COPY OF THE ORDER PASSED IN W.P. (C).NO.18164/2010 DATED 11.6.2010 OF THIS HONOURABLE COURT
- Exhibit P13 TRUE COPY OF THE COMMON JUDGMENT IN W.P.(C)NO.30850 OF 2007 DATED 30.06.2011 OF THIS HONOURABLE COURT
- Exhibit P14 TRUE COPY OF THE COMMON JUDGMENT IN RP.NO.676/2011 IN WP(C) NO. 32628/2007 AND OTHER CONNECTED CASES DATED 06.01.2012
- Exhibit P15 TRUE COPY OF THE CIRCULAR NO. 2945/A1 /12/RD DATED 12.03.2012 ISSUED BY THE ADDITIONAL CHIEF SECRETARY
- Exhibit P16 TRUE COPY OF STOP MEMO NO.B8-12633/05 DATED 19.03.2012 ISSUED BY THE ADDITIONAL TAHSILDHAR, KANJIRAPPALLY TO THE 1ST PETITIONER AND HARISONS MALAYALAM PLANTATION
- Exhibit P17 TRUE COPY OF STOP MEMO NO.B8-12633/05 DATED 19.03.2012 ISSUED BY THE ADDITIONAL TAHSILDHAR, TO THE 1ST PETITIONER KANJIRAPPALLY
- Exhibit P18 TRUE COPY OF THE JUDGMENT IN WP (C) NO. 7379/2012 DATED 28.02.2013 OF THIS HONOURABLE COURT
- Exhibit P19 TRUE COPY OF THE MINUTES OF THE MEETING CONVENED BY THE HON'BLE MINISTER OF REVENUE DATED 06.03.2013
- Exhibit P20 TRUE COPY OF THE COMMON JUDGMENT IN OP(C) NO. 2989/2011 AND CONNECTED CASE DATED 09.09.2013 OF THIS HONOURABLE COURT



- Exhibit P21 TRUE COPY OF THE ORDER IN CONT. OF COURT CASE (C) NO. 579/2012 DATED 09.09.2013 OF THIS HONOURABLE COURT
- Exhibit P22 TRUE COPY OF THE NOTICE NO. GLR (LR)14/2013 DATED 16.03.2015 ISSUED BY THE SPECIAL OFFICER AND COLLECTOR
- Exhibit P23 TRUE COPY OF THE ORDER NO. GLR-(LR)-90/2014 OF THE SPECIAL OFFICER AND COLLECTOR DATED 28.05.2015
- Exhibit P24 TRUE COPY OF THE NOTICE NO. GLR-(LR)-90/2014 ISSUED BY THE SPECIAL OFFICER AND COLLECTOR UNDER RULE 11 OF THE KERALA LAND CONSERVANCY RULE DATED 28.05.2015
- Exhibit P25 TRUE COPY OF THE REPLY OF THE LEARNED LAW SECRETARY DATED 04.04.2017 NO.21443/LEG.B2/2016/LAW. OBTAINED BY THE PETITIONER UNDER RIGHT TO INFORMATION ACT
- Exhibit P26 TRUE COPY OF THE COMMON JUDGMENT OF THIS HON'BLE COURT IN W.P@.NO. 33122/2014 AND CONNECTED CASES DATED 11.4.2018 OF THIS HONORABLE COURT
- Exhibit P27 TRUE COPY OF THE JUDGMENT OF THE HON'BLE APEX COURT IN SPECIAL LEAVE PETITION SLP NO. 24028-24035/2018 DATED 17.09.2018
- Exhibit P28 TRUE COPY OF THE PLAINT IN O.S.NO.72/2019 BEFORE THE SUB COURT, PALA DATED 07.12.2019
- Exhibit P29 TRUE COPY OF THE WRITTEN STATEMENT IN O.S.NO.72/2020 BEFORE THE SUB COURT, PALA DATED 02.03.2020 FILED BY THE TRUST
- Exhibit P30 TRUE COPY OF THE GOVERNMENT ORDER G.O (M.S) NO.158/2020/RD DATED 18.06.2020 ISSUED BY THE PRINCIPAL SECRETARY
- Exhibit P31 TRUE COPY OF THE JUDGMENT IN WP(C) NO. 13332/2020 OF THIS HON'BLE COURT DATED 16.10.2020
- Exhibit P32 TRUE COPY OF THE JUDGMENT IN WP(C) NO. 11515/2022 DATED 25.11.2022 OF THIS HON'BLE COURT
- Exhibit P33 TRUE COPY OF THE NOTIFICATION NO.G.O. (MS.)NO.312/2022/RD DATED 30.12.2022
- Exhibit P34 TRUE COPY OF THE NOTIFICATION NO. S.R.O. 123/23 DATED 23.01.2023
- Exhibit P35 TRUE COPY OF THE ORGANIZATION PROSPECTUS AND LIST OF MEMBERS IN GOVERNING BODY OF 3RD RESPONDENT AS DOWNLOADED FROM THE OFFICIAL WEBSITE OF 3RD RESPONDENT DATED NIL
- Exhibit P36 TRUE COPY OF THE OBJECTION / REPRESENTATION DATED 09.06.2023 SUBMITTED BY THE 1ST PETITIONER BEFORE THE 2ND AND 3RD RESPONDENTS
- Exhibit P37 TRUE COPY OF THE SOCIAL IMPACT ASSESSMENT OF LAND ACQUISITION FOR THE CONSTRUCTION OF SABARIMALA GREENFIELD AIRPORT REPORT DATED JUNE, 2023
- Exhibit P38 TRUE COPY OF THE LAND TAX RECEIPT NO.21/2860 DATED 28.11.2023 ISSUED BY THE ERUMELY SOUTH VILLAGE OFFICE
- Exhibit P39 TRUE COPY OF THE LAND TAX RECEIPT NO.22/3676 DATED



- 28.11.2023 ISSUED BY THE ERUMELY SOUTH VILLAGE OFFICE
- Exhibit P40 TRUE COPY OF THE RELEVANT PAGES OF EXPERT GROUP APPRAISAL REPORT U/S 7 OF THE LARR ACT, 2013 DATED NIL
- Exhibit P41 TRUE COPY OF THE GOVERNMENT ORDER NO. G.O.(MS) NO. 283/2023 RD DATED 20.12.2023
- Exhibit P42 TRUE COPY OF THE OFFICIAL ANNOUNCEMENT OF MINISTRY OF CIVIL AVIATION IN THEIR SOCIAL MEDIA HANDLE DATED 17.04.2023
- Exhibit P43 TRUE COPY OF THE NOTIFICATION NO.S.R.O. 278/2024 UNDER SECTION 11(1) IF LARR ACT 2013 DATED 13.03.2024
- Exhibit P44 TRUE COPY OF THE OBJECTION SUBMITTED BY THE 1ST PETITIONER TO THE 4TH RESPONDENT TO EXT. P-44 NOTIFICATION DATED 26.03.2024

RESPONDENT EXHIBITS

- Exhibit R11(a) A TRUE COPY OF THE SALE DEED DATED 25.09.1980
- Exhibit R11(b) A TRUE COPY OF THE JUDGEMENT DATED 23.06.1980 IN A.S. NO.159 OF 1976 AND A.S. NO.179 OF 1979 ON THE FILE OF DISTRICT JUDGE OF ERNAKULAM
- Exhibit R11(c) A TRUE COPY OF THE JUDGEMENT DATED 10.01.2018 IN M.S.A. NO.1 OF 1981 ON THE FILE OF THIS HON'BLE COURT