

**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL
SEAT AT JABALPUR**

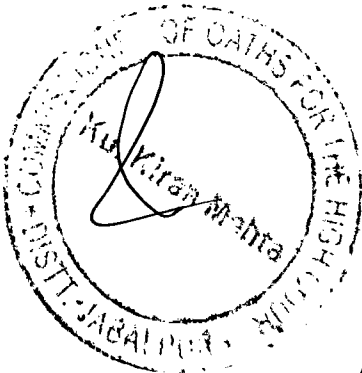
WRIT PETITION NO. 14563 /2024 (PIL)

CAUSE TITLE

- PETITIONERS** :
- 1 **Nagrik Upbhokta Margdarshak Manch,** Through its President Dr. P.G. Najpande, S/o Late G.N. Najpande, Aged about 85 years, R/o 6/47, Ramnagar, Adhartal, Jabalpur (M.P.)
 - 2 **Rajat Bharhgva,** S/o Shri Sunil Bharhgva aged about 50 years, Occupation, Businessman and social worker R/o 35/2 Nayagon Rampur Jabalpur (M.P.)
- 22-5-24
D. H. V. Mudhy
Assistant

VERSUS

- RESPONDENTS** :
1. **Union Of India,** Department of Civil Aviation, New Delhi, through its Secretary, Rajiv Gandhi Bhawan Block B, Jorbagh Safdarjung Airport Area, New Delhi - 110003
 2. **Director General of Civil Aviation (DGCA),** Rajiv Gandhi Bhawan Block B, Jorbagh Safdarjung Airport Area, New Delhi - 110003
 3. **Airport Authority of India (AAI),** Rajiv Gandhi Bhawan, Safdarjung Airport, New Delhi-110003, New Delhi India
 4. **Airport Director,** Dumna Airport, Jabalpur (M.P.)



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REGULAR PUBLIC INTEREST LITIGATION PETITION

1. PARTICULARS OF THE CAUSE/ORDER AGAINST WHICH THE PETITION IS MADE:

- (1) Date of order : Nil
 (2) Passed in : Nil
 (3) Passed by : Nil

- (4) **Subject-matter in brief:** That, the present petitioner not being made against any specific order because there is a no specific order but, present petition is being made for the discrimination of the respondents whereby discrimination was made between the cities of the State of Madhya Pradesh as number of the Air connectivity in various cities of India are available from Indore Airport, Bhopal Airport and Gwalior Airport. But, in spite of construction of the well-furnished airport of the Jabalpur which is situated in heart of the State of Madhya Pradesh and one of the biggest cities of the State of Madhya Pradesh whereby there is no direct air connectivity from Jabalpur to other cities like Mumbai, Pune, Bangalore, Calcutta, Chennai, Nagpur, Bhopal, Raipur, Lucknow and other big cities of India. It is point out that prior to the construction of the new building of the Jabalpur Airport there were 8-10 flights were available from Jabalpur i.e. Jabalpur to Delhi, Jabalpur to Hyderabad, Jabalpur to Mumbai, Jabalpur to Ahmedabad, Jabalpur to Kolkata, Jabalpur to Bhopal, Jabalpur to Indore, Jabalpur to Bilaspur, now the flights are reduced as various airlines companies discontinued the flights from Jabalpur but, respondent authority has not taken any effort for providing the air connectivity from Jabalpur to other cities. Therefore, petitioner

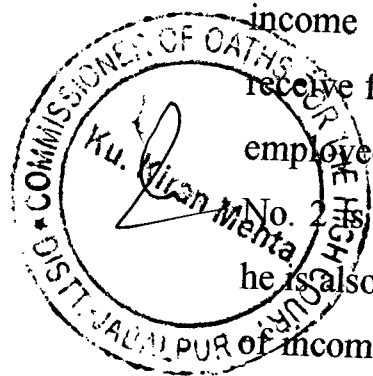


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made representations to the respondent authority; in spite of the receiving repeated representation nothing has been done by the respondent authority, hence this petition in the following facts and grounds.

2. THE ANTECEDENTS OF THE PETITIONERS:

- (1) That, the petitioner No. 01 is active social activist organization no. J.J.1570, involved in activities for betterment of society and for removal of corruption and other social evils. The organization relentlessly fights for public cause. The petitioner's organization has been appreciated and awarded many prizes for its activities. The petitioner organization has been appreciated and awarded many prizes for its activities has file more than two hundred P.I.L. before this Hon'ble court And apart from that President of the association namely Dr. P.G. Naj Pandey also file no of the P.I.L. before this Hon'ble Court in personal capacity. It is point out that petitioner Dr. P.G. Naj Pandey is a retired professor of the veterinary college Jabalpur and getting pension from the government and source of income of the petitioner Dr. P.G. Naj Pandey is a pension which is receive from the State Govt. apart from that his wife is also retired govt. employee and receives the pension from the government. The petitioner No. 2 is also a Social Worker and famous businessmen in Jabalpur city, he is also a president of the Nayagaon Cooperative Society and his source of income of Petitioner No. 2 is business and petitioner No. 2 having an income of more than 50 lakhs p.a. and he is also an Income tax payee and there is no criminal past of petitioners. Petitioners filed the various PIL before this Hon'ble Court highlighting the public cause which has been



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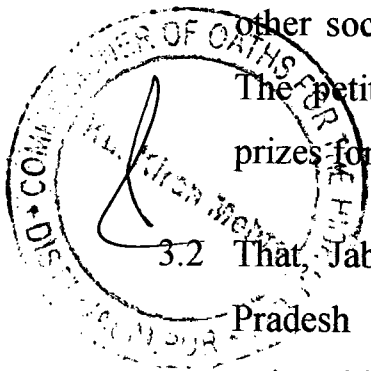
entertained by this Hon'ble Court and there is no criminal past of petitioners.

- (2) The present petition under article 226 of the Constitution of India is being filed by way of public interest litigation and the petitioner has no personal interest. The petition is being filed for providing the air facilities to the residents of Jabalpur as transportation is a one of the important necessity of the citizen and it is a duty of the respondent to provide the better transport channel due to unavailability of direct flights from the Jabalpur economy of the Jabalpur city is effected and general public also been suffering great loss as in case of medical emergency there is no direct connectivity for better medical facility which are available in big cities like; Mumbai, Hyderabad, Nagpur and Bangalore.
- (3) That the petitioner is filing the present petition on his own and not at the instance of someone else. The litigation cost, including the advocate's fee and being borne by the petitioner himself.

3. FACTS IN BRIEF, CONSTITUTING THE CAUSE:

3.1 That, the petitioner is an active social activist organization involved in activities for betterment of society and for removal of corruption and other social evils. The organization relentlessly fights for public cause. The petitioner organization has been appreciated and awarded many prizes for its activities.

3.2 That, Jabalpur is a one of the biggest cities of the State of Madhya Pradesh where three defense factories are situated, there are five universities, world famous tourism place Bhedaghat, three National Parks



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are also situated near the Jabalpur City. Apart from that principal seat of the High Court is also been situated at Jabalpur and for the purpose of higher education number of the students are approaching towards big cities like Bangalore, Pune etc. and because there is no better medical facility in Jabalpur city therefore, maximum patients are approaching to the Mumbai, Bangalore, Hyderabad, Nagpur for better treatment.

3.3 That, because earlier small airport was available in the Jabalpur and in the said airport proper facilities were not available including night landing and other facilities. Even though the Airport was operating successfully having the connectivity to various cities like Mumbai, Delhi, Bangalore, Hyderabad, Kolkata, Pune etc. and the specially the flight to Mumbai being run by the Indigo Airlines was very successful having the Occupancy of nearly 96%, and was very convenient for the people travelling to Mumbai for Business and Medical purposes. The flight to Pune was also very successful thought it was weekly flight, but was having a occupancy of nearly 100%. Similarly, the flights running to other cities were also having sufficient Passengers and the facility was being availed by the Patients, Students and Businessman to reach the destination.

3.4 That, looking to the success of the flight from the Jabalpur and considering the necessity of better Airport in Jabalpur Government of India taken a decision to provide all better facility in Jabalpur Airport therefore, decision has been taken for extension and developing the Jabalpur Airport along with the all better facility including night landing for that purpose Government of India spends about 500 crores rupees in

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development of Jabalpur Airport, and now well-furnished Airport along with advance facility are available in Jabalpur Airport and new developed Airport was inaugurated in 10th of march, 2024. Copy of the newspaper cutting of "Dainik Bhaskar" dated 11.03.2024 is filed herewith as ANNEXURE P/1.

3.5 That, even though after development of the Airport it is required that the flights should increase from Jabalpur but, instant of providing extra Air connectivity routine flights are discontinued. The aforesaid news was published in local newspaper on 12th of March, 2024. Copy of the newspaper cutting of "Dainik Bhaskar" dated 12.03.2024 is filed herewith as ANNEXURE P/2.

3.6 That, the various news was published in all other newspaper regarding discontinuation of the flights from Jabalpur. Copy of the newspaper cuttings of various dates are filed herewith as ANNEXURE P/3. Petitioner made representations to the Respondent authority for increasing the flights from the Jabalpur and made prayer to continuation of the disconnected flights from the Jabalpur and other representation on 29.04.2024. Copy of the representation dated 18.03.2024 is filed herewith as ANNEXURE P/4 and Copy of the representation dated 29.03.2024 is filed herewith as ANNEXURE P/5.

3.7 That, one hand number of the flights started from the Jabalpur are discontinued and on the other hand number of the new flights are started from the Gwalior and Bhopal. The specific news was published in

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Newspaper Patrika on 02.04.2024. Copy of the newspaper cutting of "Patrika" dated 02.04.2024 is filed herewith as ANNEXURE P/6.

3.8 That, because the flights from Mumbai was discontinued resultantly there is no direct air connectivity from Jabalpur to Mumbai therefore, commercial and medical field suffers loss and difficulty. Therefore, number of reputed peoples of various filed are requested to provide the flights from the Jabalpur, pointing out the discrimination done by the respondent authority as there are 6 direct flights from Indore to Mumbai, 3 direct flights from Bhopal to Mumbai and 2 direct flights from Gwalior to Mumbai. But, there is no regular flight from Jabalpur. Copy of the newspaper cutting in which demand of the reputed peoples are highlighted is filed herewith as ANNEXURE P/7.

3.9 That, in the Jabalpur city huge agitation is going on in Jabalpur city related to the demand of flights from Jabalpur. In spite of the aforesaid facts and specific demand was made by the petitioner, discrimination from the Jabalpur city is going on as equivalent cities like Gwalior, Indore and Bhopal there are number of the flights available from the aforesaid cities. But, from the Jabalpur there are only 3 flights available i.e. Jabalpur to Delhi, Jabalpur to Indore, Jabalpur to Hyderabad, which is discriminatory in nature. Hence this petition on the following grounds.

4. SOURCE OF INFORMATION: The petitioner has filed the instant writ petition on the basis of the news published in print media and some of the information received and verified by the petitioner.

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5. NATURE AND EXTENT OF INJURY CAUSED/ APPREHENDED:

That, The petition is being filed for providing the air facilities to the residents of Jabalpur as transportation is a one of the important necessity of the citizen and it is a duty of the respondent to provide the better transport channel due to unavailability of direct flights from the Jabalpur economy of the Jabalpur city is effected and general public also been suffering great loss as in case of medical emergency there is no direct connectivity for better medical facility which are available in big cities like; Mumbai, Hyderabad, Nagpur and Bangalore. Therefore, general public of the Jabalpur city receives the injury and Jabalpur city are suffering and the rights of the citizen of the city are adversely affected.

6. ISSUE RAISED WAS NEITHER DEALT WITH NOR DECIDED:

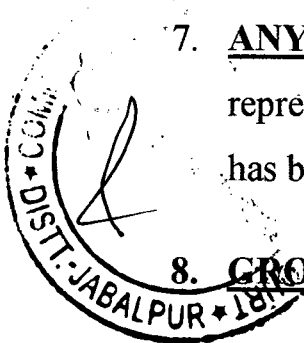
That, issue raised was neither dealt with nor decided by a Court of law at the instance of the petitioner.

7. ANY REPRESENTATION ETC. MADE: Petitioner sends representations to the respondents through registered post but, nothing has been done by the respondent authority.

8. GROUNDS URGED:

8.1 That, the action of the respondent not providing the flights/ air connectivity from Jabalpur to other cities is illegal and discriminatory in nature.

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8.2 That, the action of the respondent authority is discriminatory in nature as in spite of the aforesaid facts and specific demand was made by the petitioner, discrimination from the Jabalpur city is going on as equivalent cities like Gwalior, Indore and Bhopal there are number of the flights available from the aforesaid cities. But, from the Jabalpur there are only 3 flights available i.e. Jabalpur to Delhi, Jabalpur to Indore, Jabalpur to Hyderabad, which is discriminatory in nature

8.3 That, fundamental rights of the residents of the Jabalpur city has been violated as better transportation is one of the important rights of the citizen and it is duty of the respondent to provide the better transportation/ air connectivity from Jabalpur city. But, they have filed to discharge their duty.

8.4 That, because Jabalpur airport are developed by spending about 500 crores rupees but, same has been used as a show piece without any earning. That is a misuse of the public money.

8.5 That, because the Jabalpur city is one of the biggest cities of the State of Madhya Pradesh where three defense factories are situated, there are five universities, world famous tourism place Bhedaghat, three National Parks are also situated near the Jabalpur City. Apart from that principal seat of the High Court is also been situated at Jabalpur and for the purpose of higher education number of the students are approaching towards big cities like Bangalore, Pune etc. and because there is no better medical facility in Jabalpur city therefore, maximum patients are approaching to the Mumbai, Bangalore, Hyderabad, Nagpur for better treatment.

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Therefore, more air connectivity is required and it is duty of the respondent to provide the said transportation facility.

9. **DETAILS OF REMEDIES EXHAUSTED:** The petitioner declares that he has availed all statutory and other remedies.
10. **DELAY, IF ANY, IN FILING THE PETITION AND EXPLANATION THEREFORE:** There is no delay in filling this petition.
11. **RELIEF(S) PRAYED FOR:**

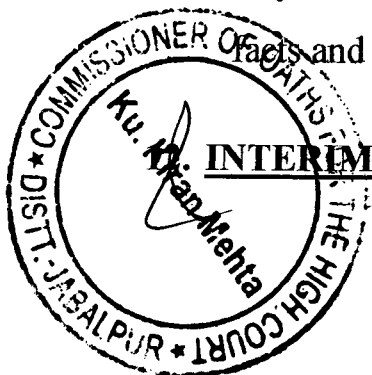
PRAAYER

Therefore, it is most humbly prayed that this Hon'ble Court may kindly be pleased to-

- i. Issue a writ of mandamus and direct the Respondent to commanding the respondents to immediately restore the flights and Air connectivity from Jabalpur Town to various other cities like Mumbai, Pune, Kolkata, Bangalore etc. as was being operated earlier.
- ii. Issue a writ of mandamus directing the respondent authority to take an effort for providing more flights/ air connectivity from the Jabalpur Airport equivalent to Indore, Bhopal and Gwalior.
- iii. Any other order/orders that this Hon'ble Court deems fit the proper in the facts and circumstances of the case may also kindly be passed.

INTERIM ORDER/WRIT, IF PRAYED FOR:

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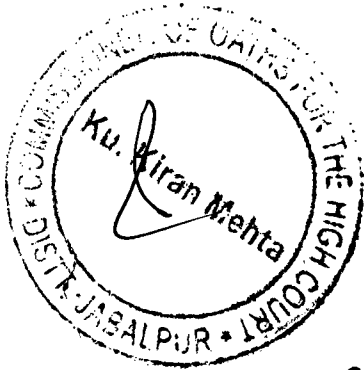
Looking to the fact and prayer made in the petition such direction be issue in the motion hearing stage itself.

13. **CAVEAT**: That, no notice of lodging a caveat by the opposite party is received.

An affidavit in support is filed herewith.

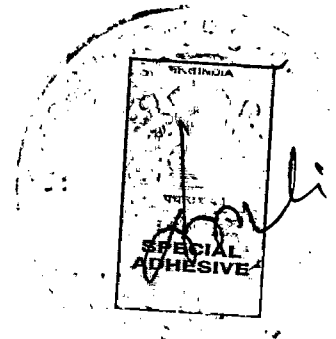
PLACE: JABALPUR
DATE: 21.05.2024


(DINESH UPADHYAY)
ADVOCATE FOR PETITIONERS



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**IN THE HIGH COURT OF MADHYA PRADESH PRINCIPAL
SEAT AT JABALPUR**

WRIT PETITION NO.1 4563/2024(PIL)

PETITIONERS : Nagrik Upbhokta Margdarshak Manch & Another

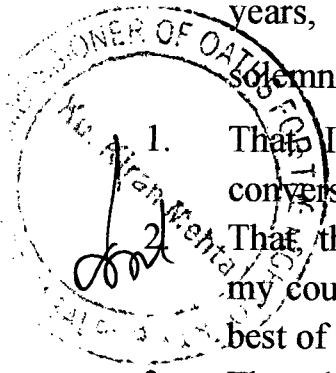
VERSUS

RESPONDENTS : State of M.P. & Others.

AFFIDAVIT

I, Dr. P.G. Najpande, S/o Late G.N. Najpande, Aged about 85 years, R/o 6/47, Ramnagar, Adhartal, Jabalpur (M.P.), do hereby solemnly affirm on oath and state as under:-

1. That I am the petitioner No. 1 in the instant writ petition and well conversant with the facts of the case.
2. That the instant writ petition has been drafted under my instruction by my counsel and contents where off from para 01 to end are correct to the best of my personal knowledge and believed to be true.
3. That, the documents filed along with instant petition as Annexure are true copies of its originals.



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[Signature]
DEPONENT

VERIFICATION

I, Dr. P.G. Najpande, above named deponent do hereby verify that the contents of this affidavit from para 1 to 3 are true to my personal knowledge and believe. Verified and signed on 19th day of May, 2024 at District Jabalpur (M.P.)

Identified by *[Signature]*

[Signature]
[Signature]
19.5.24
[Signature]
Date: 19.5.24
Place: *[Signature]*

[Signature]
DEPONENT

Ku. Kiran Mehta
Commissioner of Oaths
for the High Court
District-Jabalpur