

Malabar Development Forum vs Union of India

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Court : Kerala

Decided On : Jul-07-2020

Judge : Honourable the Chief Justice Mr.S.Manikumar,Honourable Mr. Justice Shaji P.Chaly

Appeal No. : WP(C)/9153/2017

Appellant : Malabar Development Forum

Respondent : Union of India

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE THE CHIEF JUSTICE MR.S.MANIKUMAR & THE HONOURABLE MR. JUSTICE SHAJI P.CHALY TUESDAY, THE 07TH DAY OF JULY 2020 / 16TH ASHADHA, 1942 WP(C).No.9153 OF 2017(S) PETITIONER: MALABAR DEVELOPMENT FORUM A REGISTERED SOCIETY REPRESENTED BY K.M.BASHEER, S/O.A.V.MOIDEENKUTTY, AGED 54 YEARS, PRESIDENT, NAIRAS VILLA, VKK ROAD, POST KALLAI, KOZHIKODE. BY ADV. SRI.C.P.MOHAMMED NIAS RESPONDENT/S: 1 UNION OF INDIA REPRESENTED BY SECRETARY, MINISTRY OF CIVIL AVIATION, RAJIV GANDHI BHAVAN, AUROBINDO GHOSH ROAD,

NEW DELHI- 110001. 2 DIRECTOR GENERAL OF CIVIL AVIATION AUROBINDO MARG, OPP. SAFDARJUNG AIRPORT, NEW DELHI-110003. 3 AIRPORTS AUTHORITY OF INDIA NEW DELHI-110003. 4 HAJ COMMITTEE OF INDIA REPRESENTED BY ITS CHIEF EXECUTIVE OFFICER, MINISTRY OF MINORITY AFFAIRS, NEW DELHI-110001. 5 KERALA STATE HAJ COMMITTEE HAJ HOUSE, CALICUT AIRPORT P.O., MALAPPURAM-673647. 6 STATE OF KERALA REPRESENTED BY CHIEF SECRETARY, SECRETARIAT, THIRUVANANTHAPURAM-695001.

R1-2, R4 BY ADV. SHRI.P.VIJAYAKUMAR, ASG OF INDIA R3 BY ADV. SRI.N.N.SUGUNAPALAN (SR.) R3 BY ADV. S.SUJIN R6 BY SRI.K.V.SOHAN, STATE ATTORNEY THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 07.07.2020, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING: WP(C).No.9153 OF 2017 2

JUDGMENT

S.MANIKUMAR,CJ Petitioner has sought for a writ of mandamus seeking direction to the Union of India, Ministry of Civil Aviation, New Delhi, respondent No.1 and Haj Committee of India, Ministry of Minority Affairs, New Delhi, respondent No.4 to in-instate/include Calicut Airport as an embarkation point for the Haj pilgrimage 2017 for Haj pilgrims from Kerala, Lakshadweep and Mahe.

2. Petitioner has also sought for a writ of certiorari to quash Ext.P4 notice to the extent it excluded Calicut International Airport, and included Cochin International Airport in its place.

3. Petitioner further sought for a direction to Union of India, New Delhi, respondent No.1 and Airports Authority of India, New Delhi, respondent No.3, to permit the operation of Code E aircrafts by airlines, or at any rate, Code D aircrafts at Calicut airport for the purpose of Haj pilgrimage.

4. On this day, when the matter came up for hearing, Mr.Surin Geroge

Ipe, learned Senior Government Pleader, submitted that as on today, Calicut Airport has been included as an embarkation point for the Haj pilgrimage. Therefore, there is nothing survives in this writ petition. WP(C).No.9153 OF 2017 3 Writ petition was filed for the above reliefs in the year 2017. As on today, Calicut Airport has included as an embarkation point for Haj pilgrimage. As submitted by the learned Senior Government Pleader nothing survives in this writ petition, the instant writ petition is dismissed as infructuous. S.MANIKUMAR CHIEF JUSTICE SHAJI P.CHALY smv JUDGE WP(C).No.9153 OF 2017 4 APPENDIX PETITIONER'S/S EXHIBITS: EXHIBIT P1- TRUE COPY OF THE MEMORANDUM OF ASSOCIATION OF THE PETITIONER. EXHIBIT P1(A)- TRUE COPY OF THE CERTIFICATE OF REGISTRATION ISSUED TO THE PETITIONER BY THE REGISTRAR OF SOCIETIES DATED EXHIBIT P2- TRUE COPY OF THE REPRESENTATION DATED THE MINISTER OF MINORITY AFFAIRS, UNION OF INDIA. EXHIBIT P3- TRUE COPY OF THE HAJ APPLICATION FORM FOR THE YEAR 2017 PUBLISHED BY THE 3RD RESPONDENT. EXHIBIT P4- TRUE COPY OF THE TENDER NOTICE PUBLISHED BY EXHIBIT P5- TRUE COPY OF THE REPRESENTATION DATED EXHIBIT P6- TRUE COPY OF THE REPRESENTATION DATED THE 2ND RESPONDENT. EXHIBIT P7- TRUE COPY OF THE REPRESENTATION DATED THE 4TH RESPONDENT. EXHIBIT P8- TRUE COPY OF THE REPRESENTATION DATED THE 6TH RESPONDENT. EXHIBIT P9- TRUE COPY OF THE LETTER DATED 20/02/2017 SUBMITTED BY THE MEMBER OF PARLIAMENT FROM KOZHIKODE TO THE 1ST RESPONDENT. EXHIBIT P10- TRUE COPY OF THE LETTER DATED 17/01/2017

ADDRESSED BY THE MINISTER FOR MINORITY WELFARE, WAKF AND HAJ, GOVERNMENT OF KERALA TO THE 4TH RESPONDENT.

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