



**HIGH COURT OF JUDICATURE FOR RAJASTHAN
JODHPUR**

D.B. Civil Writ Petition No. 875/2016

Libra India, Through its Managing Trustee, Baljinder Singh Sandhu S/o Sh. H.S. Sandhu, aged 40 years, R/o A-163, Ajeet Colony, Opposite Circuit House, Jodhpur.

Versus

1. Union of India through the Secretary, Ministry of Civil Aviation, Rajiv Gandhi Bhavan, Safadarjung Airpot, New Delhi.
2. The Director (Air-1), Ministry of Defence, Air Headquarter (VB), Fafi Marg, New Delhi.
3. Director, Operation Air Traffic service, Air headquarter(VB), Rafi Marg New Delhi.
4. Airport Authority of India through its Airport Director, Civil Airport, Jodhpur.
5. State of Rajasthan, through Secretary, Department of Civil Aviation Secretariat, Jaipur.
6. Jodhpur Development Authority, Jodhpur through its Secretary.
7. Municipal Corporation, Jodhpur through its Commissioner.
8. District Collector, Jodhpur(Raj)
9. Air India Ltd., through its Chief managing Director Airline House Number113, Gurudwara Rakabganj Road, New Delhi-01.
10. Jet Airways, through its Airport manager, Jodhpur Airport, Jodhpur.
11. Go Air Lines (India) Ltd through its Chief Executive Officer, 1st Floor, C-1, Wadia International Center (WIC) Poandurang Budhkar Marg, Worli, Mumbai(Mah.)-40025.
12. Indigo Airlines, Through its Chief Executive Officer, Level 1 Tower C, Global Business park, Mehruali Gurugaram Road, Gurugram (Haryana)-122002
13. Tata Sai Airlines Ltd. Through its Chief Executive Officer, Jeevan Bharti Tower-1, 10th floor, 124, Connaught Circus, New Delhi-11001.
14. Spice Jet Ltd. Through its Chief Executive Officer, 319, Udyog Vihar, Phase-4 Gurugram, (Haryana)-122016



15. Air Costa, through its Chief Executive Officer, Shiva Yogiswari Estate, 59-13-34, Ramchandra Nagar, Vijaywada. (A.P.)-520008

16. Air Asia India Ltd. Through its Chief Executive Officer, Ground floor, Alpha-1, Kempegowda International Airport, Devdenhali, Bengaluru (KT)-560300.

-----Respondents

For Petitioner(s) : Mr. Ankur Mathur (Amicus Curiae) with Ms. Shreshtha Mathur, Ms. Divya Bapna and Harshvardhan

For Respondent(s) : Mr. Devesh Yadav, AGC (through VC) for Mr. R.D. Rastogi, Sr. Adv. & ASG Mr. Rajesh Panwar, Sr. Adv. & AAG assisted by Mr. Ravindra Puri, AGC Mr. Vikas Balia, Sr. Adv. assisted by Mr. Sachin Saraswat Mr. Kartik Singh Lodha Mr. Deelip Kawadia Mr. Rajat Dave with Ms Avya Gupta

HON'BLE DR. JUSTICE PUSHPENDRA SINGH BHATI
HON'BLE MR. JUSTICE CHANDRA PRAKASH SHRIMALI

Order

Reportable

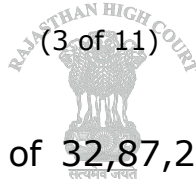
20/02/2025

*In the heart of the Thar, where sand
meets sky, Cities stand forgotten, under a
blistering sigh.*

*The western cities, bound by dust,
Lack the wings of flight, their roads left
unjust.*

*Their dreams of connection fade, unloved.
Isolated and silent, they wait for the day
When the skies will open, and lead them
away.*

*Without aviation's reach, progress stands still,
The desert whispers, yet none can fulfill.
In this land of forgotten hope, they remain,
Bound by the dunes, in an endless refrain.*



1. India covers an area of 32,87,263 sq. km, extending from the snow-covered Himalayan heights to the tropical rain forests of the south, making it the 7th largest country in the world. In this colossal country, there are around 4000 cities and towns. Furthermore, Rajasthan is the largest state in India by area, covering 342,239 square kilometers. This is about 10.4% of India's total land area and acts as a major north-western entrance-way for connecting India to the rest of the world.

2. Jodhpur, the second largest City of Rajasthan and the gateway of Thar Desert, faces challenges in terms of connectivity and development, largely due to its geographical location and the under development of infrastructure. The City lies on the edge of one of the world's largest deserts, which, while adding to its scenic charm, also isolates it from major urban hubs. The lack of adequate aviation infrastructure further compounds its connectivity issues. Despite being a historically significant city and a tourist destination, Jodhpur airport remains limited in capacity, with fewer direct flights to and from the major cities. This lack of efficient air travel options makes it less accessible as compared to other major cities of the country, limiting business as well as tourism potential. The City's remote position near the Thar Desert, combined with these infrastructure gaps, has hindered its development and has kept it somewhat less attached from the rapid progress seen in more well-connected regions.

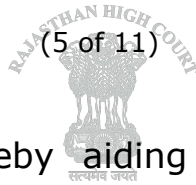
3. Jodhpur is not just the Principal Seat of the Hon'ble Rajasthan High Court (Judicial Capital) but is also home to various Institutions of national importance, such as the All-India Institute



of Medical Sciences, Indian Institute of Technology, National Law University, National Institute of Fashion Technology, etc. However, the lack of aviation infrastructure, resulting in poor connectivity, has hindered the effective functioning of all these institutions, as a number of eminent doctors, lawyers, scientists, experts, professionals and the faculties from the other major cities of India are unable to travel down to Jodhpur to provide their services.

4. It is with a heavy heart, this Court observes that the aforementioned is not just an infrastructural issue; rather, the lackadaisical approach of the concerned aviation planners which has opened doorways for potential violation of the citizenry's fundamental right under Article 21 to live a progressive meaningful and dignified life.

5. Additionally, India being a welfare state, it is the duty of the State as enshrined in Part IV of the Constitution, as a part of the Directive Principles of State Policy, under Article 38 to promote the welfare of the people by securing and protecting as effectively as it may social order in which social, economic and political justice informs all institutions of national life. Justice, social, economic and political can be secured by ensuring due access to all the facilities which are necessary for a meaningful life, and connectivity here gains paramount importance as it enables the citizenry to connect to the other parts of the nation and the world, and thereby gain access to quintessential educational and healthcare facilities. Additionally, it also fosters their economic growth by providing avenues for connecting their businesses to



the other countries, thereby aiding the ease of business by facilitating exports and imports.

6. Despite the above-mentioned Constitutional Directive and the continuous mandamus being in place, the lackluster response of the aviation policy and the stakeholders involved, has not provided the results which are desired by a common man. This PIL is not about one flight or another but it is about overall development of the area, a vast territory where a common man need to travel hundreds of Kilometers in case he need to connect the State capital or the National capital.

7. This PIL is pending for the last 9 years, which has been adversely impacting the strategic defence area, common man's facility, institutional development, tourism development, health sector development, educational development, professional development and the availability super-specialty in the concerned sectors, which among other factors calls for necessary steps to be taken in the direction of infrastructural development in the aviation sector, so as to provide an impetus to the overall growth of the Region.

8. This Court notes that on 16.04.2024, on instructions, the statement was given by Mr. R.D. Rastogi, learned Senior Advocate & Additional Solicitor General that the construction of the new terminal building is going on and the same was expected to get completed by March, 2025 for complete operations thereby enabling the airport to handle the passenger traffic more efficiently.

9. Upon being asked about the aforementioned, the learned counsel assisting the learned Senior Advocate & Additional



Solicitor General fairly submits that the timeline of March, 2025 would not be possible in the given circumstances, but he also submits that upon oral instructions he has been told that the work in question shall definitely be completed by October, 2025. He also submits that about 75% of work has already been completed.

10. This Court also finds that 13 taxi stands which were to be operational by March, 2025 as per the timeline given by the learned Senior Advocate & Additional Solicitor General have been completed. This Court finds that regarding the CISF personnel, Mr.Deelip Kawadia states that 197 CISF personnel are already well suited and are discharging their duties on Airport and all other issues vis-a-vis their working conditions are being worked upon.

11. Mr. Rajesh Panwar, learned Senior Advocate & Additional Advocate General reiterates that the VAT concessions are being offered and submits that he shall compare the concessions given by other progressive States and shall assess whether any further relaxation can be provided incentive-wise by the aviation authority in the said premise.

12. Mr. Rajat Dave, learned counsel appearing for the Jodhpur Development Authority submits that 25 Bighas of the land of the Village Kharda Randheer falling in Khasra No.89, was proposed to be allotted to Central Industrial Security Force at 50% of residential price. However, they do not require the same and it has not been handed over to them and the status quo regarding the land in question continues to be maintained, as directed by this Court. He admits that the same is about 6 to 8 kilometers away from the airport.



13. Mr. Vikas Balia, learned Senior Counsel assisted by Mr. Sachin Saraswat and Mr. Kartik Singh Lodha who are appearing for Indigo Airlines and Air India Airlines, respectively; submit that they have checked the viability at this stage and have instructions to submit that an increase in the flights at this juncture, would not be viable, however on an optimistic note they submit that the airlines shall continue to re-assess the viability and in case, at any point in time, there is a change in spectrum of viability, the same shall be implemented.

14. Mr. Ankur Mathur, learned Amicus Curiae assisted by Ms. Shreshtha Mathur, submits that the Alliance is an Airline under the control of Central Government and in case directed, they could provide for the necessary flights. Mr. Mathur submits that such airlines could be directed by the Union to make the necessary arrangements for filling the gap in question.

15. This Court finds that on 27.08.2024, a very crucial order was passed whereby while noting that the present PIL is pending since 2016 and the 'Watch Hours' (summer as well as winters) were to be increased in the evening and the night operations shall also be commenced, was noted and also directions were given to various airlines for permitting the dark hours to be utilized which remained a critical issue for a longtime as the airport in question was not having the facilities for the same.

16. This Court also notes that Mr. Balia, learned Senior Counsel gave an example that owing to the respondents timeline if the private airlines had agreed for requisite expansion by March, 2025, then it certainly would have given a severe financial blow to



the airlines and thus, the infrastructure planning and assessment has to precede the operations of expansion by them.

17. This Court finds that the issue regarding the current state of affairs vis-a-vis the dismayed conditions of facilities in the aviation sector is attributable to the slow pace of the infrastructural development, extension of timelines (one after another) for the said purpose and the lack of concrete decisions.

18. This Court is also concerned about the basic facilities to a common citizens because in earlier time the aviation industry was a conspicuous industry which catered only to the need of upper class but today in the modern times, post globalization where all the countries have economically integrated, the economic development, expansion of financial, institutional, professional and super- specialty prospects and other avenues alongwith the right to livelihood, depend upon the ease of air commutation.

19. Though, repeated assurances have been given by the respondents but on ground level, from the last 9 years of this continuous mandamus, no desirous results have been achieved.

20. However, in the interest of justice, having an overall view of the situation, including the previous orders passed by this Court, following directions are passed:-

(i) The terminal building which had a timeline of March, 2025 and is far from being completed with an oral assurance from the learned Senior Advocate & Additional Solicitor General that is likely to be completed by the month of October, 2025, is directed to be recorded in the form of an affidavit which shall be signed by the Secretary to the Government of India, Ministry of Civil Aviation, while giving reasons for failure of



the respondents to adhere to the timeline of the March, 2025 and will also provide all details as to how they propose to complete the infrastructure of the civil airport by October, 2025.

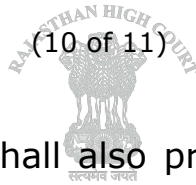
(ii) The aforesaid affidavit shall also include information/status of 13 taxi stands which are said to be complete and are ready for operation.

(iii) The Director General, CISF, New Delhi shall file an affidavit regarding the completion of permanent residential/lodging facilities as to what is the plan of the respondents and how far such an infrastructure is being planned and how do they intend to execute the same.

(iv) The Director General, CISF shall be required to give its current deployment plan which shall include the details as to how they are managing their 197 personnel for duties from 5:00 a.m. to 9:30 p.m. so as to satisfy this Court regarding sufficient deployment.

(v) Mr. Rajesh Panwar, learned Senior Advocate & Additional Advocate General alongwith the responsible authorities shall assess the incentives given by progressive States of the Union of India and shall contemplate whether such incentives to the aviation industry can be provided in the aviation sector in question for the purpose of its viability and encouragement of the private airlines. Such assessment shall be required to be formulated and reproduced before this Court in the form of an affidavit.





21. The amicus curiae shall also provide with the comparative assessments as to development of aviation sector as per the information already available in the public domain vis-a-vis the other States and the facilities of first three important airports of the other States.

22. Mr. Dave shall file an affidavit of the Commissioner, Jodhpur Development Authority, as to how they propose to give more land to the civil airport for the purpose of future expansion and development, such affidavit shall include suggestions, explorations and probable land which could be given by the State land Bank/any kind of acquisition plan that the JDA can propose for the purpose of the extension of the Cargo and other associated infrastructural facilities at the airport. The status quo regarding 25 bighas of land with the Jodhpur Development Authority, earlier proposed, shall continue to be maintained by the Jodhpur Development Authority.

23. The learned Senior Advocate & Additional Solicitor General is directed to obtain necessary instructions as to how the aviation policy is in place for distant regions like the western Rajasthan and how does the Ministry of Aviation proposes to integrate the far flung territories which otherwise do not have the efficient connectivity as far as the aviation sector is concerned, such information shall be filed under the affidavit of the Secretary to the Government of India, Ministry of Civil Aviation, which has already been directed to be placed before this Court, in Para 20 of the present order. The policy in question through its affidavit will indicate the road map which the Ministry of Aviation has in place



for development of the outreach of the aviation to the Western Rajasthan.

24. At this stage, the Amicus Curiae submits that the aviation industry may also provide details as to any special plan for the western part of the country as they may have for the eastern part of the country which is far flung and need to be connected by efficient aviation facilities. The western Rajasthan is becoming an energy sector for the complete country and other factors shall be kept in mind while filing such affidavits.

25. This Court directs that an affidavit be filed by the Secretary, General Administration Department (Civil Aviation), Government of Rajasthan, Jaipur, regarding the fact whether any, such policy regarding development of the aviation sector in western Rajasthan is in place.

26. The learned Senior Advocate & Additional Solicitor General shall also take instructions to explore whether the alliance airlines could be directed to increase its services as it does not have any flight in the western Rajasthan.

27. List the matter on **17.03.2025**.

(CHANDRA PRAKASH SHRIMALI),J (DR.PUSHPENDRA SINGH BHATI),J

14-Hanuman/-