

WP(PIL) 119/2025

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2026:KER:6707

“C.R”

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT

THE HONOURABLE THE CHIEF JUSTICE MR. SOUMEN SEN

&

THE HONOURABLE MR. JUSTICE SYAM KUMAR V.M.

WEDNESDAY, THE 28TH DAY OF JANUARY 2026 / 8TH MAGHA, 1947

WP(PIL) NO. 119 OF 2025

PETITIONER:

SHAMSUDHEEN C., AGED 56 YEARS,
S/O. KUNJEEN, CHILAMPADATHU HOUSE,
POTTASSERRY NO.2 VILLAGE, VIYAKKURSSI PO,
MANNARKKADU TALUK, PALAKKAD, PIN – 678592.

BY ADV. SRI. C. RAJENDRAN

RESPONDENTS:

- 1 STATE OF KERALA
REPRESENTED BY THE ADDITIONAL CHIEF SECRETARY,
WATER RESOURCES DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM, PIN – 695001.
- 2 KERALA IRRIGATION INFRASTRUCTURE DEVELOPMENT
CORPORATION LTD. (KIIDC), T.C. 84/3 (OLD 36/1),
NH66 BYPASS SERVICE ROAD, NEAR EANCHAKKAL JUNCTION,
CHACKAI P.O., THIRUVANANTHAPURAM, PIN – 695024.
REPRESENTED BY THE MANAGING DIRECTOR.
- 3 THE SECRETARY, IRRIGATION DEPARTMENT,
GOVERNMENT OF KERALA, SECRETARIAT,
THIRUVANANTHAPURAM, KERALA, PIN – 695001.
- 4 THE CHIEF ENGINEER,
IRRIGATION DEPARTMENT, GOVERNMENT OF KERALA,
THIRUVANANTHAPURAM, PIN – 695014.



- 5 M/S. FIST REDEFINE DESTINATIONS PVT. LTD.,
REPRESENTED BY ITS MANAGING DIRECTOR, 39/1827,
2ND FLOOR, EKKAKKA BUILDING, MANKAVU BY-PASS ROAD,
P.O., THIRUVANNUR, KOZHIKODU, PIN – 673029.
- 6 M/S. ALA TOURISM VENTURES PRIVATE LTD.,
5/143-G, PUZHAKKATTIRI PANCHAYATH, MAIN ROAD,
PANANGANGARA TOWER, RAMAPURAM (PO),
MALAPPURAM, PIN – 679321.
- 7 NEST TOURISM DEVELOPMENT SOCIETY,
THIRUNELLY, MANANTHAVADY, WAYANAD,
KERALA, PIN – 670646.
- 8 SRI. GEOGY GEORGE,
S/O. GEORGE, KOTTUPPALLY, NEAR KALPATHI,
CHATHAPURAM, PALAKKAD, PIN – 678003.
- 9 KANJIRAPPUZHA GRAMA PANCHAYATH,
KANJIRAPPUZHA ROAD, KANJIRAPUZHA, POTTASSERRY,
PALAKKAD, REPRESENTED BY ITS SECRETARY, PIN – 678591.
- 10 THACHAMPARA GRAMA PANCHAYATH
THACHAMPARA, PALAKKAD-KOZHIKKOD HIGHWAY, PALAKKAD,
REPRESENTED BY ITS SECRETARY, PIN – 678593.

R1, R3 & R4 BY ADV. SRI. P. I. DAVIS,
SPECIAL GOVERNMENT PLEADER,
R2 BY ADV. SRI. D. KISHORE,
R9 BY ADV. SRI. R. RAJPRADEEP,
BY ADVS. SMT. MEERA GOPINATH,
SRI. R. MURALEEKRISHNAN (MALAKKARA),
SRI.ANANT KISHORE.

THIS WRIT PETITION (PUBLIC INTEREST LITIGATION) HAVING COME UP FOR ADMISSION ON 22-01-2026, THE COURT ON 28-01-2026 DELIVERED THE FOLLOWING:

**“C.R.”****JUDGMENT**Dated this the 28th day of January, 2026**Soumen Sen, C.J.**

The rule of *locus standi* is put to an acid test in this Public Interest Litigation. We are not unmindful of the fact that Public Interest Litigation (PIL), which is a judicial creation that evolved in the early 1980s to enable constitutional courts to admit petitions filed by a person who may not be classically defined as a “person aggrieved” and not having a personal interest in the matter, appears to have been necessitated primarily to protect the fundamental rights of marginalised groups and sections of the society who, due to their extreme poverty, illiteracy and ignorance, failed to approach the constitutional courts for redressal of their grievances. As observed by the Hon’ble Supreme Court in the case of ***Central Electricity Supply Utility of Odisha v. Dhobei Sahoo and Ors.***¹, it is an adroit innovation of judge-made law within the constitutional

1 (2014) 1 SCC 161: AIR 2014 SC 246



parameters and serves as a weapon to mitigate grievances of the poor and marginalized sections of the society, to check the abuse of power at the hands of the executive and to ensure primacy of the rule of law.

2. Voice to the voiceless in the form of a petition by a public-spirited person or an organisation or an association of persons, society, etc. and any organisation of like nature is entertained for their benefit, as they had been denied their fundamental and legal rights. The PIL jurisdiction is also invoked to safeguard the ecology from greedy land grabbers and from the flouting of environmental laws sometimes even by instrumentalities of the State. Such litigation has been characterised by Professor Upendra Baxi as “social action litigation”. Petitions often at the instance of a social activist are admitted and entertained in accordance with the fundamental principles of environmental jurisprudence to protect human beings, flora and fauna and to preserve the ecological system, the imbalance of which would lead us to extinction. These principles have also been extended



to the preservation of historical monuments, wildlife and marine life, to mention a few.

3. The constitutional courts have also encouraged and permitted issues to be raised by persons who may not be directly affected by the decision, where such issues concern public administration and misuse of governmental machinery and public funds. The doctrine of public trust is invoked to ensure that the State and its instrumentalities do not put the national assets to misuse, as the Government has a fiduciary duty to protect the vital resources from destruction and depletion. However, in the process of evolution and development and enlarging the scope of *locus standi* in a Public Interest Litigation, the Courts have experienced that, under the garb of public interest litigations, private interests are pursued and it becomes a publicity-oriented petition. Courts should be extremely chary and cautious to ensure that petitions ostensibly filed as PILs are nipped in the bud with exemplary costs, as no one should be permitted to utilise the process of the Court not for the cause of



justice, but for ulterior motives. The persons who are really aggrieved and not ill-equipped in the true sense of the term to approach the constitutional courts for redressal of their grievance, set up bodies or engage others to initiate proxy litigations on their behalf. By the time the Court comes to a finding that the purpose of the litigation is for publicity or that it is a proxy litigation, valuable judicial time has been expended in deciding the matter. It is a complete waste of valuable time of the Court. Even exemplary costs at times may not compensate for the opportunity lost to engage with other important matters that could have been disposed of in the meantime.

4. These prefatory remarks and observations are necessary to understand and appreciate the litigation initiated by the petitioner, who claims to be a public-spirited person fighting for safeguarding the interest and betterment of all Indian citizens, and to protect the national interest, integrity, security, unity, and diversity of India.

5. The petitioner, however, has not disclosed his credentials of



having filed any previous public interest litigations and to demonstrate that he was truly fighting for a public cause.

6. The petitioner claims to be a permanent resident of Kanjirapuzha Grama Panchayat and is a social worker. His grievance appears to be that for the purpose of conducting tourism activities in Kanjirapuzha dam, the authorities have favoured M/s. FIST Redefine Destinations Pvt. Ltd., Respondent No. 5, disregarding the bid submitted by other tenderers. It is stated that to start a development project with the aim of promoting Kanjirapuzha dam tourism in accordance with the Irrigation Tourism Project, applications were invited through the website of the Kerala Irrigation Infrastructure Development Corporation Ltd.(KIIDC), Respondent No. 2, and the information was communicated in writing to the Executive Engineer, who is in-charge of the said dam. Based on such invitation, Respondent Nos. 5, 6, 7 and 8 submitted applications along with the project proposals. Among the above applicants, M/s. ALA Tourism Ventures Private Limited, Malappuram, submitted its



application along with a project report, intending to invest ₹170 Crores in the above project and NEST Tourism Development Co-operative Society, Wayanad submitted its application along with a project report showing that it can invest ₹156 Crores in the above project. Whereas, Respondent No. 5 – M/s. FSIT Redefine Destinations Private Limited, Kozhikode had submitted its application along with a project report showing that it can invest ₹110 Crores in the above project. The petitioner alleged that M/s. ALA Tourism Ventures Private Limited, Malappuram and NEST Tourism Development Co-operative Society, Wayanad had disclosed that they started operation on 7 February 2022 and 23 February 2021 respectively and had previous experience.

7. The 2nd respondent, KIIDC, subsequently sent a letter to the applicants for the above project, calling upon them to furnish additional information about the five year balance sheet certified by the Chartered Accountant of the institution, past work experience, income distribution, etc. In response thereto, M/s. ALA Tourism Ventures Private Limited stated that it would give



10% of the income to the department, whereas the NEST Tourism Development Co-operative Society replied that it would give 50% of the income to the department. However, M/s. FSIT Redefine Destinations Private Limited stated that it can invest a sum of ₹161 Crores and that 3% of the income received by them would be given to the department. It is stated that the 5th respondent was able to increase the proposed investment from ₹110 Crores to ₹161 Crores by manipulating the tender process, departing from the project report submitted initially. The petitioner claimed that the State Government issued an order, G.O.(Rt.) No.104/2025, granting permission to the 5th respondent to carry out tourism activities related to the Kanjirapuzha dam subject to conditions and based on the order, investment of the project was fixed at ₹161 Crores. The period of operation of the project was fixed at 30 years and the revenue share of the Government was fixed at 3% of the total revenue.

8. The petitioner further alleged that there was corruption in the tender process related to the Kanjirapuzha Dam Irrigation



Tourism. Even though the other applicants who had agreed to give 10% to 50% of the revenue to the Government and three applicants had given consent letter, the tender was awarded only to the 5th respondent, who had shown the tender saying that they would give only 3% of the revenue.

9. Respondent – State contested the writ petition by filing counter affidavit in which they have also raised the issue with regard to the *locus standi* of the petitioner. Placing reliance upon the decisions of this Court in **V.A. Muhammed v. State and Others**² and that of the Hon'ble Supreme Court in **Travancore Devaswom Board v. Ayyappa Spices**³ it was contended that the petitioner cannot be permitted to raise disputes which are akin to disputes between individual parties, and in matters of public tenders for procurement, the constitutional courts would be required to exercise caution. It is urged that this litigation is a proxy litigation. However, without prejudice to such rights a detailed affidavit has been filed by the Chief Executive Officer of

2 [ILR 1994 (2) Ker. 819]

3 [(2024) 7 SCC 543]



Respondent No. 2 – Kerala Irrigation Infrastructure Development Corporation Ltd. The facts stated in the said counter affidavit are summarised below.

10. KIIDC is tasked with the development and promotion of irrigation and water supply projects throughout the State of Kerala. The Dam Safety Act, 2021 mandates that adequate financial resources have to be designated for the upkeep and repair of the dams to guarantee their safe operation and to prevent disasters associate with dam failures. Presently, the maintenance (which encompasses activities such as pressure grouting, replacement of damaged shutters, other mechanical repairs, etc.) expenses for all dams in Kerala, overseen by the Water Resources Department are funded through the budget allocation. Many tourism destinations under the Water Resources Department have been successful as consistent income generating channels even with limited tourism facilities. It is in this backdrop, the Government has formulated a policy intended to make maximum effort for tapping the tourism



prospects of dams and other irrigation sites under the Water Resources Department by establishing a unique brand of irrigation tourism through public-private partnership investment and by utilising the logistics and infrastructure available with the Irrigation Department.

11. With the aforesaid object in mind, the present site was earmarked as one of the sites having tourism potential, and tenders were invited by publication in three leading newspapers and on the official website. Pursuant thereto, Respondent Nos. 5, 6, 7 and 8 have given their offers. As opposed to the offers given by the other tenders, M/s. FIST Redefine Destinations Pvt. Ltd. - the 5th respondent, submitted a detailed proposal with the projected profitability, footfall details, etc. The other tenderers did not furnish any information concerning anticipated footfall details or year-wise revenue generation in a scientific or realistic manner. In response to the proposals received, a letter was issued by the Chief Engineer on 30 August 2024 to each firm requesting the submission of financial capability details certified



by Chartered Accountant, among other requirements. However, only one firm and one individual, i.e., the 5th respondent and the 8th respondent, have complied with the request. Consequently proposals 1 and 2, viz., M/s. ALA Tourism Ventures Pvt. Ltd., the 6th respondent, and M/s. NEST Tourism Development Co-operative Society, the 7th respondent, were not advanced to the next stage due to their failure to provide the necessary information on time especially financial capability details. In addition to that, the agency which submitted the offer of 50% did so in a vague manner, that is, it is not clearly mentioned that the 50% of which item (whether gross revenue generated or profit or entry/parking fee alone only) is considered and the revenue generation is not clearly stated, whereas the 5th respondent submitted a projected profitability statement. Furthermore, the 7th respondent agency is classified as a loss-making co-operative society, according to the Co-operative Audit Monitoring and Information System, Department of Co-operation, Government of Kerala. The financial credentials of the 7th respondent have been disclosed in the said counter affidavit



as Exhibit-R2(i). The letter dated 30 August 2024 was issued to all the agencies and participants to submit their details as required. All the four tenderers were given equal time for submitting basic documents and to be ready with available details, such as financial capability certified by Chartered Accountant. Nevertheless, Respondent Nos. 6 and 7 did not provide any further details for which they were not considered or advanced to the next stage. The 5th respondent agency had suggested advanced and innovative tourism components that are not currently found in the local area or its vicinity and it was found that the said initiative had the potential to draw tourists from distant locations and enhance the development of Kanjirapuzha and its surrounding regions. The proposed revenue share, though modest, is expected over time to surpass the revenue share offered under the alternative proposal and an asset of ₹161 Crores would be received by the Government after the operation period.

12. As regards the proposal of the 8th respondent, his proposal



is structured in two phases. The initial phase would take place on the mainland while the subsequent phase would focus on the island situated within the reservoir. The initial investment in proposal 4 would be ₹10.47 Crores for first phase, which would be completed in one year and would be made accessible to the public, followed by the development of the island phase (₹25 Crores including second phase), which would require an additional year to complete after obtaining the necessary approvals and clearances.

13. The proposed revenue share is substantial when compared to the other proposal, however, the investment is expected to be recovered within a period of one to two years. Over the long term, the revenue share received will be lower than the other proposal. An asset of ₹10.47 Crores will be received by the Government after the operation period. In addition, the project would necessitate inspection and approval from multiple agencies, including the Central Water Commission, Dam Safety Authority and Island Management. Consequently, this would



lead to technical challenges and delays in the implementation of the project. The Government, after scrutiny and consideration of all relevant factors, including the materials and credentials of each tenderer, and after evaluating the maximum investment, tourism development potential, proposed modern technology, revenue share, services and uniqueness of facilities offered vide G.O.(Rt) No. 104/2025/WRD dated 27 January 2025, accorded sanction as per Exhibit-P3 order and implementation of Irrigation Tourism Project at Kanjirapuzha Dam, Palakkad to the 5th respondent.

14. It is significant to mention that the tenderers, whose offers have been rejected or were not advanced to the next stage because of their inability to furnish the required details and certificates, did not challenge the decision of the authorities concerned, which clearly shows that they were unable to fulfill the criteria. They participated in the tender and have accepted the decision of the tender committee. It clearly demonstrates that they are not qualified for the project. All the tenderers have



the wherewithal to challenge the said decision of the Government in not accepting their bid and finalising the bid in favour of the 5th respondent.

15. The petitioner, realising that after the full disclosure made by the Respondent – State it would be extremely difficult for him to sustain the plea, in desperation, has stated in the reply to the counter affidavit that he has made a complaint to the Vigilance Department and that a proceeding is pending. It is merely at the investigation stage. In our view, nothing much turns on such a complaint as it is clear that the petitioner by filing the same had only opened another front to disrupt and delay the implementation of the said project. It was in such background of facts, there cannot be any doubt that it is a proxy litigation. The interference of the court in tender jurisdiction has been considered by the Hon'ble Supreme Court in the case of ***Uflex Ltd. v. Government of Tamil Nadu and Others***⁴, the decision relied upon by the learned counsel for the petitioner in favour of his submission that the present litigation is a proxy litigation.

4 (2022) 1 SCC 165



The Hon'ble Supreme Court, in paragraph 42 of the said decision, after taking into consideration the decision in the case of ***Tata Cellular v. Union of India***⁵ observed that the element of transparency is always required in such tenders because of the nature of economic activity carried on by the State, but the contours under which they are to be examined are restricted and the objective is not to make the Court an appellate authority for scrutinizing as to whom the tender should be awarded. It was also observed that economics must be permitted to play its role for which the tendering authority knows best as to what is suited in terms of technology and price for them. It was observed in the said decision that the tender jurisdiction was created for scrutiny of commercial matters and, thus, where parties continuously seek to challenge award of tenders, the succeeding party must get costs and the party which loses must pay costs.

16. In the instant case, as observed earlier, the unsuccessful tenderers have not come to court, instead the petitioner is trying to espouse the cause of such unsuccessful tenderers who does

5 (1994) 6 SCC 651



not suffer from any disability for which the court may relax the rule of *locus standi* and permit an individual to launch a proxy battle against the State and the successful tenderers. The affidavit of the State has in detail indicated the various stages of processes through which the offers of the tenderers have been scrutinised and had given a justification for acceptance of the offer submitted by the 5th respondent. In the absence of any lack of transparency, we do not find any reason, either to admit the PIL or to pass a direction in this jurisdiction. The petition was filed for extraneous considerations and with oblique motive. The petition stands dismissed with costs of ₹10,000/- to be paid to the Kerala State Legal Services Authority, within a period of two weeks from today.

Sd/-
SOUMEN SEN,
CHIEF JUSTICE

Sd/-
SYAM KUMAR V.M.,
JUDGE

krj/-



APPENDIX OF WP(PIL) NO. 119 OF 2025

PETITIONER'S EXHIBITS:-

- EXHIBIT P1 TRUE PHOTO COPY OF THE ORDER OF THE WATER RESOURCES DEPARTMENT BEARING NO.G.O.(MS) NO.68/2022/WRD DATED 19/12/2022.
- EXHIBIT P2 TRUE PHOTO COPY OF THE ORDER OF THE WATER RESOURCES DEPARTMENT BEARING NO G.O.NO.53/2023 DATED 19/09/2023.
- EXHIBIT P2(A) TRUE ENGLISH TRANSLATION OF EXHIBIT P2 ORDER.
- EXHIBIT P3 THE TRUE COPY OF THE ORDER OF THE 1ST RESPONDENT BEARING NO. G.O. (RT) NO. 636/2025/WRD DATED 16/07/2025.
- EXHIBIT P4 THE TRUE PHOTOCOPY OF THE PETITION IN CRL.M.P NO.1024/2025 BEFORE THE VIGILANCE COURT, TRISSUR DATED 05/08/2025.
- EXHIBIT P4(A) THE TRUE ENGLISH TRANSLATION OF EXHIBIT P4 PETITION.
- EXHIBIT P5 THE TRUE COPY OF THE INTERIM ORDER OF THIS HON'BLE COURT IN WRIT PETITION NO.29156/2025 DATED 07/08/2025.
- EXHIBIT P6 A TRUE PHOTOGRAPH OF THE BUILDING CONSTRUCTED BY THE 5TH RESPONDENT.
- EXHIBIT P7 A TRUE PHOTOGRAPH OF THE STRUCTURE CONSTRUCTED BY THE 5TH RESPONDENT.

RESPONDENTS' EXHIBITS:-

- EXHIBIT R2(A) TRUE COPY OF THE G.O. (MS) NO. 68/2022/WRD DATED 19.12.2022 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT R2(B) TRUE COPY OF THE G.O. (MS) NO. 53/2023/WRD DATED 19.09.2023 ISSUED BY THE 1ST RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.



- EXHIBIT R2(C) TRUE COPY OF THE NOTICE INVITING EXPRESSION OF INTEREST (EOI) DATED 29.6.2024 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R2(D) TRUE COPY OF THE CORRIGENDUM DATED 10.7.2024 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R2(E) TRUE COPY OF THE CORRIGENDUM DATED 30.7.2024 ISSUED BY THE 2ND RESPONDENT.
- EXHIBIT R2(J) TRUE COPY OF THE G.O.(RT) NO. 104/2025/WRD DATED 27.1.2025 ISSUED BY THE 1ST RESPONDENT ALONG WITH ITS ENGLISH TRANSLATION.
- EXHIBIT R2(K) TRUE COPY OF THE G.O.(RT) NO. 636/2025/WRD DATED 16.7.2025 ISSUED BY THE 1ST RESPONDENT.
- EXHIBIT R2(L) TRUE COPY OF THE PROCEEDINGS NO. KIIDC/20/2024-PE21 DATED 18.7.2025 ISSUED BY THE 2ND RESPONDENT TO THE 5TH RESPONDENT.
- EXHIBIT R2(M) TRUE COPY OF THE COMMUNICATION DATED NIL ISSUED BY THE 5TH RESPONDENT TO THE 2ND RESPONDENT ACCEPTING EXHIBIT R2(L).
- EXHIBIT R2(F) TRUE COPY OF THE ADVERTISEMENT PUBLISHED IN THE NEW INDIAN EXPRESS DAILY DATED 10.7.2024.
- EXHIBIT R2(G) TRUE COPY OF THE ADVERTISEMENT PUBLISHED IN THE MATHRUBHOOMI DAILY DATED 10.7.2024.
- EXHIBIT R2(H) TRUE COPY OF THE ADVERTISEMENT PUBLISHED IN THE BUSINESS LINE DAILY DATED 10.7.2024.
- EXHIBIT R2(I) TRUE COPY OF THE DETAIL WITH RESPECT TO THE 7TH RESPONDENT SOCIETY PUBLISHED BY THE CO-OPERATIVE AUDIT MONITORING AND INFORMATION SYSTEM, DEPARTMENT OF CO-OPERATION, GOVERNMENT OF KERALA.

//TRUE COPY//

P.A. TO C.J.