

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

Writ Petition (PIL) No. 37 of 2017

Kamal Kumar Dubey S/o Shri N. P. Dubey, Aged About 52 Years Freelance Journalist
And Stringer, D D News R/o Vinoba Nagar, Bilaspur Chhattisgarh

---- Petitioner**Versus**

1. Union Of India Through Its Secretary, Ministry Of Civil, Aviation, North Block, New Delhi.
2. Airport Authority Of India Ltd., Corporate H Q S, Rajiv Gandhi Bhawan, Safdarganj, Airport, Block - A, New Delhi 110003
3. State Of Chhattisgarh, Through Chief Secretary, Mantralaya, Mahanadi Bhawan, Naya Raipur Chhattisgarh
4. Collector, District Bilaspur Chhattisgarh

---- Respondents**AND****Writ Petition (PIL) No. 67 of 2017**

1. Chhattisgarh High Court Practicing Advocated Bar Association A Registered Society, Having Its Office At New High Court Premises, Bodri, Bilaspur Chhattisgarh Through Its Secretary Shri Gurudev I. Sharan S/o Late Shri Ishwar Sharan, Aged About 42 Years, R/o R. K. Residency Colony Tifra, Bilaspur District Bilaspur Chhattisgarh
2. Badsah Prasad Singh Advocate , S/o Late Shri Jagdish Narayan Singh, Aged About 52 Years Member Of Chhattisgarh State Bar Council, R/o Joy Residency, Quarter No.130C, Bilaspur Chhattisgarh.

---- Petitioners**Versus**

1. Union of India Through Secretary, Ministry of Civil Aviation, B Block, Rajiv Gandhi Bhawan, New Delhi.

2. Ministry of Defence, Through Its Secretary, South Block, New Delhi.
3. Air Ports Authority of India Rajiv Ghandi Bhawan, Safdarjung Airport, New Delhi 1100033 Through Its Chairman.
4. State of Chhattisgarh, Through Secretary, Department of Civil Aviation, Mahanadi Bhawan, Mantralaya Capital Complex , Naya Raipur Chhattisgarh.
5. Director of Civil Aviation, Directorate of Civil Aviation, Mahanadi Bhawan, Mantralaya Capital Complex , Naya Raipur Chhattisgarh.

---- Respondents

05/10/2018	Shri Ashish Shrivastava and Shri Salim Kazi, Advocates for the respective Petitioners. Shri B. Gopa Kumar, Assistant Solicitor General for the Union of India. Shri Prafull N Bharat, Additional Advocate General for the State. Shri P. Dayanand, Collector, Bilaspur, Shri N. Biren Singh, Incharge, Bilaspur Airport, from State Civil Aviation and Shri R.M.Dominic, Deputy Director, Civil Aviation, present in person. Deliberations, meetings and exchange of communications has not yet yielded the results by issuance of a licence for the Bilaspur Airport by the Director General, Civil Aviation (for short 'the DGCA'). Today, a letter dated 20.09.2018 has been produced by the learned Assistant Solicitor General representing Union of India wherein still about 14 issues which are coming in the way of a final decision, is emerging.

The District Magistrate, Bilaspur, Accountable Manager, Bilaspur Airport and Deputy Director, Civil Aviation, who are present in the Court inform us that more steps have been taken by them with regard to the shortcomings which have been pointed out in the communication dated 20.09.2018. Some of these issues, however, are not totally within their domain because certain approvals, clearances and technical inputs have to be provided, including some equipments from Indore Airport. They are following up the matter with the concerned authorities, but it is the response time from those authorities which is coming in the way of final resolution.

The Court has been assured by the District Magistrate, Bilaspur that he is going to use his office with the concerned authorities to get the matters expedited by a coordinated effort and they expect that the decision will emerge sooner than later.

Whatever is required to be done by whatever authority either stationed at Bilaspur or the State of Chhattisgarh or any other authority in any other State including New Delhi, have a duty and obligation to put their head together and give proper guidance and support to the local authorities at Bilaspur to facilitate issuance of the licence by the DGCA and this observation is being made because the Court is not willing to now allow any excuses by any authority by shifting the burden upon each other.

The Court directs a coordinated effort to be made by all the authorities right from the office of the DGCA, the Airport Authority of India Limited or the Ministry of Civil Aviation, that there is a judicial obligation created upon them in

terms of this order that they must ensure that the Bilaspur Airport is made functional now in the shortest possible time.

If the same is not achieved now, by the next date, the Court will consider summoning all the senior officers to appear before the Court as well as seek their explanation so that accountability can be fixed for non-compliance.

A copy of this order will be made available to the learned Assistant Solicitor General of India for communication to one and all in relation to the authorities of the Central Government.

List this matter on 1st of November, 2018.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge