

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 HQs, 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

01/11/2018	Shri Ashish Shrivastava and Shri S.C.Verma, 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 Sumit Shrivastava, Advocate for the Respondent-Airports Authority of India. In a detailed order dated 05.10.2018, after recording the background to the present litigation which is dragging on since February, 2017, the Court recorded the following order: "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."

Today, the Court is told that a pre-licencing inspection of the Bilaspur Airport was done on 23rd and 24th of October, 2018 by one Mr. Manish Thakur, Assistant Director of Operations and Mr. Dhusar Kumar Mondal, Assistant Director of Operations. A copy of their report has been tendered to the Court which is dated 30.10.2018 and from perusal of the same, it is evident that the shortcomings which were earlier pointed out by the Director General, Civil Aviation (for short, 'the DGCA') and which was substantially met, has not brought us closer to the issue of grant of licence but a long list of now 43 issues have been pointed out by the so-called inspection team. This by itself is an indication that the earlier observations and the directions of the Courts towards resolution of the issue is not going to be achieved and again there is no meeting of minds of various authorities towards resolution of the issue and the long list surely is an indication that the objections of the DGCA are variable, subjective and depends from individual to individual who are making the inspections.

Things must end now. Somebody has to take the responsibility. Therefore, the Court directs that either the DGCA himself appears before this Court on 26th November, 2018 at 10:30 am alongwith the Chairman of the

Airport Authority of India and the Secretary, Civil Aviation or persons responsible enough to be nominated by them to explain the nitty-gritty of it and all to find a resolution. The grant of licence for operation of Bilaspur Airport has been made into a game of passing the parcel amongst the authorities who are officially supposed to facilitate the operation thereof. Shri Rajat Kumar, IAS (Director Aviation) is also directed to remain present in person before this Court on the said date.

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 26th of November, 2018 at 10:30 am as the first case.

Sd/-
(Ajay Kumar Tripathi)
Chief Justice

Sd/-
(Parth Prateem Sahu)
Judge