

HIGH COURT OF CHHATTISGARH, BILASPUR  
Order Sheet

**WPIL No. 37 of 2017**

Kamal Kumar Dubey **Versus** Union of India & Others

WPIL/67/2017

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| 17/03/2020 | <p>Shri Ashish Shrivastava, Shri Sudiep Shrivastava and Shri Sandeep Dubey, Advocates for the Petitioners.</p> <p>Shri B. Gopa Kumar, Assistant Solicitor General with Shri Himanshu Pandey, Advocate for Respondent No.1/Union of India.</p> <p>Shri Anumesh Shrivastava, Advocate for Respondent No.2/Airport Authority of India Ltd.</p> <p>Shri S.C. Verma, Advocate General with Shri Sudeep Agrawal, Deputy Advocate General for the State.</p> <p>Shri Yogesh Pandey, Advocate for Respondent No.6.</p> <p>Shri Apurv Goyal, Advocate for Respondent No.7.</p> <p>Shri Sunny Agrawal, Advocate for Respondent No.10.</p> <p>The learned counsel appearing for the Petitioners submit that despite the repeated orders being passed by this Court, no concrete measures have been taken from the part of the Ministry of Civil Aviation, DGCA or the Airport Authority of India and no version has been put forth before this Court. This is sought to be rebutted by Shri B. Gopa Kumar, the learned Assistant Solicitor General, pointing out that, till date no application has been preferred by the State for granting the 3C license and if</p> |

application is filed, necessary inspection will be completed within the shortest possible time i.e., two weeks and all support will be given to make the Bilaspur Airport operational.

The learned Assistant Solicitor General submits that instructions have been obtained and it is sought to be explained with reference to some map procured in this regard; pointing out that the Government and the Authorities concerned are committed to see that the Bilaspur Airport is made operational at the earliest. However, it is stated that it would be better if the State Government hand over the land to the Airport Authority of India for further development. In this regard a statement is made to the effect that a meeting of the Committee of Central Zonal Council, involving the States of Chhattisgarh, Madhya Pradesh, Uttar Pradesh and Uttarakhand was convened on 11.10.2019, where development of the Bilaspur Airport was one of the items in the agenda. After detailed deliberation, the Chief Secretary of the State of Chhattisgarh had made a statement on behalf of the State that the land would be handed over to the Airport Authority of India, despite which, no further steps have been taken.

If the land is handed over to the Airport Authority of India, various advantages are there, submits the learned Assistant Solicitor General. It is also pointed out that some extra sophisticated instruments, such as DVOR {Doppler Very High Frequency Omni Range} equipment which is presently not being manufactured in India could be installed, whereby the landing and take off can be done even with short visibility of nearly 200 meters, without compromising with the safety. Or else, ILS (Instrument Landing System) can be installed; upon which it will be possible to have night landing as well, with a visibility range of 800 meters. The learned counsel further

submits that the runway, which is now being repaired and renovated, may not be the better option and that an 'old airstrip' is available there and if the same is sought to be developed, the result can be achieved in a better and easy manner, without involvement of any land to be taken from the Defence.

With regard to the procurement of land from the Defence, it is pointed out that, though a portion of the land was acquired and handed over by the State to the Defence, some other lands were purchased by the Defence from private holders. The learned Assistant Solicitor General points out that the land belonging to the Defence cannot be assigned as a matter of course and various procedural formalities have to be completed even where it is possible in respect of instances like Public Utility and Public Infrastructure Projects. For this a separate application form is prescribed, to be submitted by the State in this regard. The learned Assistant Solicitor General further submits that if the operation of project is entrusted by the State to the Airport Authority of India, it will be easy to have all these things done with a concerted movement of all concerned. Even if it is not so, and the State intending to proceed with the Airport by doing the operation at the level of the State, still the Central Government and all the Authorities concerned including the DGCA and the Airport Authority of India are ready to render all necessary assistance and once an application for '3C license' is submitted, necessary inspection will be conducted and clearance will be given, subject to satisfaction of the legal requirements.

The learned Advocate General submits that the renovation works are going on and it will take a further time of 15 to 20 days. It is also pointed out that, only after completing the works as above, that the State will be in a position to make

necessary application before the DGCA, requesting them to conduct an inspection. After carrying out the inspection alone, will the State be in a position to make necessary application for granting the 3C license which is assured to be done within no time as aforesaid.

The learned counsel appearing for the Petitioners submit that the submission made by the learned Assistant Solicitor General with reference to the development of the 'old airstrip' is not correct. It is pointed out that the old airstrip was virtually abandoned for the reason that no safe landing or take off can be done making use of said airstrip because of existence of a Chimney belong to NTPC with a height of 275 meters in the approach funnel. This fact was pointed out by the NTPC earlier and after considering the same, the Airport Authority of India had virtually de-listed the Bilaspur Airport way back in the year 1998 itself.

The learned Assistant Solicitor General submits that the instructions received do not reveal this aspect, with reference to existence of a Chimney. If any obstacle in the form of Chimney or otherwise is in existence in the approach funnel, no development of the old airstrip may be possible. It is in the said circumstance, that the State is proceeding with the development measures of the other airstrip, for which further extension is sought for by acquiring necessary land from the Defence as well.

The learned Advocate General submits that the installation of sophisticated equipments such as 'DVOR or ILS' is having relevance more with the development of the Airport to the 4C category and that, for making it operational with '3C license', existing infrastructure is adequate enough, with such other minimum requirements; which will be completed shortly.

The submission made by the learned standing counsel appearing for the Airport Authority of India is that they have already conducted necessary inspection and that their return is being filed today itself.

In the said circumstances, considering the request made by the learned Assistant Solicitor General to file a version on behalf of the Union Government and also the DGCA, post these matters on 08.04.2020.

If no reply is filed as above, the competent authority of the Ministry as well as the DGCA shall be personally present before this Court with the relevant files to explain the position to this Court so as to facilitate the passing of further orders.

Sd/-  
**(P. R. Ramachandra Menon)**  
**Chief Justice**

Sd/-  
**(Parth Prateem Sahu)**  
**Judge**