

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPIL No. 37 of 2017

Kamal Kumar Dubey **Versus** Union Of India

WPIL 67/2017

05.07.2017	Mr. Ashish Shrivastava and Mr. Harsh Wardhan, Counsel for the respective Petitioners. Mr. N.K. Vyas, Assistant Solicitor General for Union of India/respondent No.1. Mr. Sunil Sahu, counsel for the Respondent No.2. Mr. J.K. Gilda, Advocate General with Shri Y.S. Thakur, Additional Advocate General for the State. These matters relate to the proposal to have adequate facility for Civil Aviation from Bilaspur in the State of Chhattisgarh. We have heard different submissions from the learned Advocate General for the State, the learned Assistant Solicitor General representing Union of India in particular Ministry of Defence and Ministry of Civil Aviation apart from the learned counsel for the petitioner and learned counsel for the Airport Authority of India. It appears that there is an airstrip in the Chakarbhata region of Bilaspur District in Chhattisgarh which was intended to be used for defence purposes. The different institutions of national life including judiciary, cannot discount the need of defence facility to augment steps which have always to be adhered to in ensuring the sovereignty and protection of the territory of this Nation. Viewed in

that angle the primary consideration obviously is for the policy that would be held out by the defence sector in such issues. At the same time it is also the ground reality that air connectivity between Bilaspur area and other sectors of the Nation is also an accepted requirement. This is why the Ministry of Civil Aviation and Airport Authority of India have come out with a proposal to have requisite domestic aviation facility from Bilaspur. The State of Chhattisgarh has also essentially agreed to find out ways and means to provide the requisite land.

In the aforesaid backdrop, there can be no gain saying by the Civil Aviation Sector and the Defence Sector being treated as rivals in the bargain for control over such land, particularly when the supremacy of the defence needs have to be recognized. Therefore, a meaningful solution can be attained only by a reasonable resolution of the different facets of the matter. We say this because it is the well accepted norm that defence operations and domestic air connectivity operations could be permitted to happen depending upon the manner in which they are charted out by those two Sectors.

We are given to understand that the deliberation on the issues in hand had been going on between different wings of administration in the State Government and Central Government for the last more than a decade. It is time that due action follows bringing home adequate facility of connectivity having regard to the domestic requirement and the defence purposes. The learned Assistant Solicitor General is therefore, requested to immediately inform the contents of this order to the officials at the appropriate level in the Defence and Civil Aviation Ministries of Government of India so that a practical solution can be reached at

paving way to the State Government discharging its responsibility and the Airport Authority of India also playing its due role in establishing domestic air connectivity facility from Bilaspur. We hope that the learned Assistant Solicitor General will be able to respond to the aforesaid and provide us the views of the Central Government including a decision that it takes in this regard, at the earliest. We record the submission of the learned Assistant Solicitor General that he is hopeful of getting a positive response within a period of six weeks.

Post on 23/08/2017.

Sd/-
(Thottathil B. Radhakrishnan)
CHIEF JUSTICE

Sd/-
(Sharad Kumar Gupta)
JUDGE