

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPPIL 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, Chhattisgarh

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Versus

1. Union Of India Through Its Secretary, Ministry Of Civil, Aviation, North
Block, New Delhi., Delhi
2. Airport Authority Of India Ltd., Corporate H Q S, Rajiv Gandhi Bhawan,
Safdarjanj, Airport, Block - A, New Delhi 110003, District : New Delhi,
Delhi
3. State Of Chhattisgarh, Through Chief Secretary, Mantralaya, Mahanadi
Bhawan, Naya Raipur Chhattisgarh, District : Raipur, Chhattisgarh
4. Collector, District Bilaspur Chhattisgarh, District : Bilaspur, Chhattisgarh
5. Director General Of Civil Aviation DGCA Complex, Opposite Safdarjanj
Airport, New Delhi 110001., District : New Delhi, Delhi
6. Air India Limited Having Its Registered Office At Airlines House, 113,
Gurudwara Rakabganj Road, Parliament Street, Behind All India Radio,
New Delhi 110001, Through Its CMD / CEO., District : New Delhi, Delhi
7. Air Vistara Limited Having Its Registered Office At TATA SIA Airlines Ltd.
Jeevan Bharti Tower-1, 10th Floor, 124 Connaught Circus, New Delhi
110001, Through Its CMD / CEO., District : New Delhi, Delhi
8. Indigo Airlines Having Its Registered Office At Central Wing, Ground
Floor, Thapar House, 124, Janpath, New Delhi - 110001, Through Its
CMD / CEO., District : New Delhi, Delhi
9. Spice Jet Airlines Having Its Registered Office At Murasoli Maran Towers,
73 MRC Nagar Main Road, MRC Nagar, Chennai 600028, (Tamil Nadu)
Through Its CMD / CEO., District : Chennai, Tamil Nadu

10. Go Airlines (India) Ltd. Having Its Registered Office At 1st Floor, C-1, Wadia International Centre (WIC), Pandurang Budhkar Marg, Worli, Mumbai 400025, (Maharashtra) Through Its CMD / CEO., District : Mumbai, Maharashtra

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WPPIL No. 67 of 2017

1. Chhattisgarh High Court Practicing Advocates Bar Association Aged About 18 Years 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., 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. 130-C, Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh

---- Petitioners

Versus

1. Union Of India Through Secretary, Ministry Of Civil Aviation, B Block, Rajiv Gandhi Bhawan, New Delhi., Delhi
2. Ministry Of Defence, Through Its Secretary, South Block, New Delhi., District : New Delhi, Delhi
3. Air Ports Authority Of India Rajiv Ghandi Bhawan, Safdarjung Airport, New Delhi 1100033 Through Its Chairman., District : New Delhi, Delhi
4. State Of Chhattisgarh, Through Secretary, Department Of Civil Aviation, Mahanadi Bhawan, Mantralaya Capital Complex, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
5. Director Of Civil Aviation, Directorate Of Civil Aviation, Mahanadi Bhawan, Mantralaya Capital Complex, Naya Raipur Chhattisgarh., District : Raipur, Chhattisgarh
6. Director General Civil Aviation (DGCA) Through Its DG OPP, Safdarjung Airport, New Delhi 110003., District : New Delhi, Delhi

7. South Eastern Coal Fields Ltd. (SECL) Through Its CMD SECL Bhawan Sarkanda Bilaspur Chhattisgarh., District : Bilaspur, Chhattisgarh
8. Alliance Air (Air India) Through Its CEO Rajeev Gandhi Bhawan Near Safdarjung Airport New Delhi., District : New Delhi, Delhi
9. Indigo Ltd. Through Its CEO Central Wing Ground Floor, Thapar House, 124, Janpath New Delhi- 110001 India., District : New Delhi, Delhi
10. Spice Jet Ltd. Through Its CMD 363, Udyog Vihar II Rd, Phase II, Udyog Vihar, Sector 20, Gurugram Haryana 122022., District : Gurgaon, Haryana

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<u>17/02/2023</u>	Mr. Ashish Shrivastava, Sr. Advocate with Mr. Rohishek Verma, Mr. Jaiprakash Tiwari and Mr. Vikhyat Arora, Advocates and Mr. Sudeep Shrivastava with Mr. Manas Vajpai, Advocates for the respective petitioners. Mr. S.C. Verma, Advocate General with Mr. Raghvendra Pradhan, Addl. Advocate General for the State. Mr. Ramakant Mishra, Dy.S.G. for the respondent/Union of India. Mr. Anumeh Shrivastava, Advocate for the respondent No.2/Air Ports Authority of India Ltd. Mr. Shobhit Mishra, Advocate for the respondents No. 8 & 9/Indigo Limited. Mr. Apurv Goyal, Advocate for the respondent No.7/Air Vistara Limited. Mr. Khulesh Sahu with Mr. Sunny Agrawal, Advocates for the

respondent No. 10/Go Airlines (India) Ltd.

Heard.

The issue which has cropped up at present is of Night Landing Facility, which is not available at present at Bilaspur Airport.

Submissions are made that in order to provide the Night Landing Facility, immediately on urgent basis 28 acres of more land would be required. It is further submitted on behalf of the petitioners that in order to upgrade the Airport to 4C License, another 270 acres of land would be required.

On a query being put to the parties, it is submitted that on the earlier occasion the Ministry of Defence had acquired 1012 acres of land surrounding to Airport to establish Training centre and Defence Airport, which was subsequently abandoned in the year 2016. It is further submitted that to upgrade the Licence from 3C to 4C IFR they would require 270 acres of further land and adjoining land to airship.

Mr. S.C. Verma, learned Advocate General would submit that certain communications/proposal have already been made by the State Government to release the land.

Mr. Ramakant Mishra, Deputy Solicitor General appearing on behalf of the respondents No. 1, 2 & 5 would submit that he has to seek instructions, whether after receipt of the proposal from the State Government to release the land, what deliberations have taken place as the lands were acquired sometime back in the year 2010-11, therefore, the instructions are required to be obtained.

It is further submitted on behalf of the Airport Authority of India that to facilitate Night Landing Facility civil constructions are required

	to be done which is to be carried out by the State Government. As against this submission by Airport Authority of India, it is submitted by petitioners that such constructions are required to be made under the supervision of the Airport Authority of India. After hearing the parties, we feel that it is not an adversary litigation between the parties. As it is stated to implement the Night Landing Facility immediately 28 acres of land would be required, which would be followed by civil constructions under the supervision of the Airport Authority. Therefore the reply of the Ministry of Defence would be required along with the fact that whether they intend to join hands to develop the Airport in reality to achieve the object to subserve the need of people. Let the reply and affidavit be filed to this effect by Union of India to demonstrate what steps have been taken to facilitate night landing at the Bilaspur Airport or to release the land for further development of the Airport to facilitate to upgrade it for 4C IFR Licence. Let the matter be treated as a Part Heard and be listed on 24th of March, 2023. Sd/- (Goutam Bhaduri) JUDGE Sd/- (P. Sam Koshy) JUDGE
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