

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPPIL No. 37 of 2017

Kamal Kumar Dubey Versus Union Of India

WPPIL/67/2017

21/04/2023	Shri Ashish Shrivastava, Sr. Advocate with Shri Aman Pandey, Shri R. Verma, Shri J.P. Sinha and Shri Ankur Diwan, Adv. for the petitioner in WP PIL No.37 of 2017. Shri Sudiep Shrivastava, Adv. for the petitioner in WP PIL No.67 of 2017. Shri Ramakant Mishra, Dy. Solicitor General with R.D. Singh & Ms Anju Swadesh Shrivastava, Adv. for the UOI. Shri Anumeh Shrivastava, Adv. for the Airport Authority of India. Shri H.S. Ahluwalia, Dy. Adv. General for the State. Shri Shobhit Mishra, Adv. for the IndiGo Airlines. Shri Apurv Goyal, Adv. for the Air Vistara Limited. Heard. <u>WPPIL No. 37 of 2017</u> On 24th March, 2023 a statement was made by the Union of India, Ministry of Defence that proposal was initiated at the apex level to consider transferring ownership of the defence land adjoining to Bilaspur Airport to the Government of Chhattisgarh and the State Government
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made a submission that budgetary allocation has already been made for payment to the Defence in this regard.

Today affidavit has been placed on record by the Union of India wherein it has been stated that the respondent is willing to handover the entire land admeasuring 1012.48 acres astride Bilaspur Airport to the Government of Chhattisgarh for facilitating upgradation of Bilaspur Airport.

In a simple parlance, the offer and acceptance of reverting back the land to the State Government has already been decided. It appears that the ministerial function remains to execute the same. When both the parties i.e. UOI and State were ready, we find no reason why the matter should be delayed.

Learned counsel appearing for the State prays for time to apprise this Court about execution part.

We expect that the offer and acceptance having been principally agreed, the handing over of the land admeasuring 1012.48 acres back to the State Government shall be carried out within a further period of 45 days.

Learned counsel for the State submits that appropriate steps have been taken for construction of approach/alternate road to the Bilaspur Airport from the Highway and since certain encroachers have been found they have been noticed for hearing. He would submit that the work order has already been issued.

Reply of Airport Authority of India to the application (I.A.No.13) dated 22-3-2023 would show that for operation of flight for three years for the route Bilaspur – Bhopal – Bilaspur was awarded to Alliance Air and the Selected Airline Operator (SAO) started its operation on 5-6-2022, however, temporarily halted the flight operation on 25-9-2022.

According to the Airport Authority of India Ltd., if such Airlines all of a sudden stopped the flight against the terms of contract necessary action is required to be taken. What are the state of affairs as of now is not clear before us, as the agreement is also not before us, which granted award to Alliance Air for operation of flight between Bilaspur – Bhopal – Bilaspur.

In view of the above, Airport Authority of India Ltd., is directed to place on record the agreement before this Court. Further the operation of flight stands stopped from 25-9-2022 and now we are in the month of April, 2023 almost 7-8 months have passed. Since the issue pertains to the public at large, it would also be necessary to know what action has been taken by the Airport Authority of India Ltd., for sudden halt of flight against Alliance Air in route Bilaspur – Bhopal – Bilaspur in contravention to the scheme/agreement. Further they would be obliged to place on record whether any recommencement orders/ instructions have been issued to the Alliance Air or not.

Gowri	Since despite notice, no representation is made on behalf of the respondent No.8/Alliance Air, issue a fresh notice to it on payment of process fee by registered post as also by e-mail. In addition to usual mode of service, on the request of learned counsel for the petitioner, on payment of separate set of process fee, dasti service is also permitted. List both the matters in the <u>second week of May, 2023</u>. Sd/- (Goutam Bhaduri) Judge Sd/- (P. Sam Koshy) Judge
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