

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

W.P.(PIL) No. 37 of 2017Kamal Kumar Dubey **Versus** Union Of India

WPPIL/67/2017

(Common Order)

17.08.2023	Shri Ashish Shrivastava, learned senior counsel appears along with Shri Rohishek Verma, counsel, Shri Jai Prakash Tiwari, counsel and Shri Ankur Diwan, counsel for the Petitioner in W.P.(PIL) No.37 of 2017. Shri Sudeep Shrivastava, counsel appears along with Shri Manas Vajpai, counsel for the Petitioner in W.P.(PIL) No.67 of 2017. Shri Ramakant Mishra, Dy. Solicitor General appears along with Shri Tushar Dhar Diwan, counsel for the Union of India. Shri Anumeh Shrivastava, counsel for the Airport Authority of India. Shri H. S. Ahluwalia, Dy. Advocate General for the State. Shri Apurv Goyal, counsel for the Air Vistara Limited. Shri Shobhit Koshta, counsel for the Alliance Air (Air India). Shri Harshmander Rastogi, counsel appears on behalf of Shri Shobhit Mishra, counsel for the IndiGo Airlines. Heard. When the matter was taken up on the last date of hearing on 28.07.2023, a submission was made on behalf of the State that 95% of the work of widening of the airstrip was completed and in respect of the constant current regulator room, the completion was to the extent of 80% and in respect of the isolation bay, it is also completed to the extent of 80%. Today when the progress was sought for, the learned

counsel for the State would submit that as per the oral instructions received, the widening work is still in progress. In order to ascertain completion of work with respect to airstrip, constant regulator room and also isolation bay, it would be proper to direct to the learned State counsel to file an affidavit within a period of two weeks in this regard. They shall also apprise the Court about the outer limit, by which, the work in its entirety can be completed.

In these petitions, submissions have been made on behalf of learned counsel for the parties on the following issues, as below:-

(i) With respect to widening of the road, it has been submitted that on 14.08.2023, a meeting was convened as few of the people, who are in occupancy of the road, are holding lease/*patta* in their favour and today also, a meeting is convened and solution would be sorted out. The State counsel shall also file an affidavit in respect of the aforesaid subject.

(ii) With respect to the transfer of money, it was assured by the learned counsel for Union of India before this Court on 28.07.2023 to fast track the procedure of transfer of land. A copy of the letter dated 03.08.2023 has been produced before this Court by the State to show that an amount of nearly Rs.93 crores has already been transferred to the Union of India to get back the land as it was stated on earlier occasion, principally it was agreed to transfer the land back to the State. The query having been made to the learned counsel for Union of India, he submits that he is not aware of the fact as to what progress has taken place, but, he could not answer and prays for time to file an affidavit in this regard. Under these circumstances, learned counsel for Union of India is directed to file an affidavit as to what progress has taken place after the money is transferred to them by the State Government vide letter dated 03.08.2023 and return of the land.

(iii) With respect to the night landing facility, the submission is made that the laying of the cable is completed and some of the electrical parts have reached to the Bilaspur

and 30% work is completed and in respect of runway approach light, the assignment has been sent from Turkey which would reach Bilaspur. On the next date, the progress of the electrical work relating to night landing facility shall also be apprised to the Court by way of an affidavit.

(iv) With respect to the boundary wall, it is submitted that the issue is lying at the end of the State Government and progress be called for in as much as the boundary wall for a runway would be the must. The submission of counsel for the petitioner appears to be logical as though the runway may be widened, but if it remains without any fencing or boundary wall, it would lead to compromise with safety of the people and the aircraft while landing, therefore, the State Government shall also apprise the Court what progress has taken place in respect of the construction of the boundary wall.

(v) With respect to withdrawal of the aircraft from Bilaspur to Bhopal and Bilaspur to Indore, the learned counsel for the Alliance Air would submit that according to the data he has received is that the affidavit is in process of filing and the same would be filed by him during the course of the day. Let an affidavit be filed, thereafter, we will take up the issue on the next date.

List these cases on 7th September, 2023.

Sd/-

(Goutam Bhaduri)
Judge

Sd/-

(Sanjay S. Agrawal)
Judge