

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPIL No. 37 of 2017

Kamal Kumar Dubey **Versus** Union Of India & Ors.

WPIL/67/2017

{Common Order}

07/09/2023	Shri Ravindra Shrivastava, Sr. Advocate, Shri Vivek K. Tankha, Sr. Advocate & Shri Ashish Shrivastava, Sr. Advocate with Shri Aman Pandey, Advocate and Shri Rohishek Verma, Advocate for the petitioner in WP PIL No.37 of 2017. Shri Ravindra Shrivastava, Sr. Advocate & Shri Vivek K. Tankha, Sr. Advocate with Shri Alok Chandra Rishi, Advocate, Shri Manas Vajpai, Advocate, Ms. Pragati Kaushik, Advocate & Ms. Deepeshwari Mahilwar, Advocate for the petitioner in WP PIL No.67 of 2017. Shri Ramakant Mishra, Dy. Solicitor General with Ms. Anmol Sharma, CGC, Shri Tushar Dhar Diwan, CGC, Shri Rishabh Dev Singh & Mrs. Anju Shrivastava, Advocate for UOI. Shri S.C. Verma, Advocate General with Shri H.S. Ahluwalia, Dy. Adv. General for the State. Shri Anumeh Shrivastava, Advocate for the Airport Authority of India. Shri Shobhit Mishra, Advocate for the IndiGo Airlines. Shri Shobhit Koshta, Advocate for the Alliance Air (Air India). Heard. Issue with respect to the order dated 17/08/2023 the Sr. No.(ii) is in respect of transfer of the land by the Union of India in the backdrop of the fact that Rs.93 crores have already been transferred to the Union of India by the State was deliberated. Learned counsel for the Union of India would submit that as per the information and the affidavit, which is in the process of filing, certain meeting have been convened on 25/08/2023 and the progress is yet

to be finalized. The submission of the counsel for the Union of India appears not satisfactory for the reason the issue touches upon the transfer of the land for expansion of Air Port and it is not an adversary litigation as Union of India and State obviously both must be in favour of the development of an Air Port at Bilaspur. As suggested by Senior Advocate Shri Ravindra Shrivastava that there are certain officers who can take a decision, therefore, we deem it proper to resolve the issue to advice to hold a meeting of the Joint Secretaries of the Ministry of Civil Aviation and Ministry of Defence, Govt. of India. The Secretary, Civil Aviation and Secretary, PWD of the State to hold joint meeting to solve any issue which may surface to fast track the transfer of the land for development of the Air Port. The officers may hold a joint meeting at a convenient venue to solve the issue at its earliest. The Chief Secretary of the State shall take the initiative to convene a joint meeting. Thereafter, after the meeting is held the result may be placed before this Court. The same process may be completed within a period of four/five weeks.

(2) With respect to the night landing, it is submitted by the learned Advocate General that the process has already begun and last target date from the State is 30th September, 2023. Having considered the submission, it is expected that by 30th September, 2023 the night landing facility would be completed.

(3) With respect to the boundary wall, it is submitted by the learned Advocate General that additional fund has already been allotted and work has already started which may take some time, however at the moment the fencing still exists. He would submit that in order to facilitate the night landing for visibility and safety, the boundary wall would be necessary which is under

construction. We expect that said work shall be expedited without any laches or delay.

About alternate approach road to the Air Port, it is submitted by learned Advocate General that 8 encroachers have been removed and 28 are still there.

Shri Vivek K. Tankha, learned Sr. Advocate would further suggest that in order to revive the viability of the Air Port, (a) the State Government may decide upon the exemption of the fuel tax; (b) parking charges of the Air Craft may also may be waved; (c) the viability funding support by the State and Central may also be considered; (d) Union of India may submit that why the Bilaspur Air Port has been kept out of the Udan scheme for the reason that they are no more under served and they are fully served; and (e) learned senior counsel would further suggest that Union of India may take a decision why the Air Port have been elivated to be fully served Air Port but practically they are under served.

The aforesaid proposal suggested by learned Senior Advocate appears to be reasonable, we feel that it is in the interest of the public at large. As suggested by the Advocate General during the meeting as has been stated above the proposal for a direct flight from Bilaspur to Delhi or metro city may also be considered.

With respect to the Alliance Air, the affidavit has been filed by the Alliance Air and certain data has been provided. The data which has been produced, we are unable to understand the intricacies. Therefore, the Air Port Authority of India shall carry out an internal audit of it to make it simplified to

gouri	understand the fact by the Court. By the next date, the same be placed on record. As prayed, list both the cases on 11th October, 2023. <table><tr><td data-bbox="379 555 641 725">Sd/- (Goutam Bhaduri) Judge</td><td data-bbox="1129 555 1477 725">Sd/- (Deepak Kumar Tiwari) Judge</td></tr></table>	Sd/- (Goutam Bhaduri) Judge	Sd/- (Deepak Kumar Tiwari) Judge
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