

HIGH COURT OF CHHATTISGARH, BILASPUR

ORDER SHEET

W.P(PIL) No.37 of 2017

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

W.P(PIL) No.67/2017

11.10.2023	Shri Ashish Shrivastava, Senior Advocate along with Shri Jai Prakash Tiwari and Ms. Suhasini Singh, counsel for the Petitioners. Shri SC Verma, Advocate General along with Shri HS Ahluwalia, Dy. Advocate General for the State. Shri Ramakant Mishra, Dy. Solicitor General along with Ms. Anmol Sharma, Counsel for Union of India. Shri Shobhit Mishra, Shri Apurv Goyal and Shri Anumeh Shrivastava, counsel for respective Respondents i.e. Indigo Airlines, Vistara Airlines and Airport Authority of India. Pursuant to the order dated 07.09.2023 wherein, in order to fast track the transfer of the land for development of the Airport, a meeting of Joint Secretaries of the Ministry of Civil Aviation and Ministry of Defence, Government of India, the Secretary, Civil Aviation and Secretary, PWD of the State was directed to be convened and the Chief Secretary was directed to take initiative to convene the said meeting. Today, an affidavit has been filed on behalf of the Union of India wherein, it has been stated that with regard to payment of Rs.93 crores for transfer of the land, Cabinet approval of the Ministry

of Defence would be required and for expansion of the Airport, 270 acres of land is immediately needed, the State Government should initiate a case separately for obtaining working permission for 270 acres of land which can be granted by Ministry of Defence in piecemeal without any Cabinet approval and the cost of 270 acres of land can be adjusted against the amount already deposited by the State Government. The affidavit purports that an amount of Rs.93 crores which was the original cost of the land in the year 2015-16 cannot be accepted without factoring in the escalation in the cost of land as on today. The affidavit also discloses that the Chief Secretary of the State Government shows his concern for consideration of the case by the Ministry of Defence on the fact that the land is being taken over by the State Government for Infrastructure Development Project and not for Commercial Venture. It further purports that the same is under consideration by the Ministry of Defence.

Learned Advocate General submits that the State Government had already done its duty in obtaining the permission for use of entire land and it would only be a repetition to request, which is not required and the Union Government can forthwith grant permission to use the land of 270 acres at present.

Learned Counsel for Union of India submits that no such application seeking permission to use 270 acres of land is pending, therefore, there is a factual dispute.

It appears that the issue is not resolved as was suggested in

the order dated 07.09.2023. Since 270 acres of land would be required immediately for expansion of the Airport, therefore, it is expected that both the State Government and the Union of India would make all endeavour to make the land available as the development of the Airport would be in the interest of public at large.

With regard to night landing facility, it is stated that boundary wall of the Airport is being constructed and electrification has already been done. On the next date, the progress shall be apprised.

Learned Counsel for Alliance Air, on query, submits that trial was taken for running a direct flight between Bilaspur and Delhi and on a query being mooted, he submits that he would apprise the Court with regard to running of a direct flight from Bilaspur to Delhi and Bilaspur to Calcutta, on the next date of hearing.

Post the matter on **02.11.2023**.

Sd/-

(Goutam Bhaduri)
JUDGE

Sd/-

(Deepak Kumar Tiwari)
JUDGE