

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}

02/11/2023	Shri Ashish Shrivastava, Sr. Advocate with Shri Rohishek Verma, Ms. Suhasini Singh, Advocate, Shri Ankur Diwan, Advocate and Shri Aman Pandey, Advocate for the petitioner in WP PIL No.37 of 2017. Shri Sudiep Shrivastava, Advocate and Shri Manas Vajpai, Advocate for the petitioner in WP PIL No.67 of 2017. Shri Ramakant Mishra, Dy. Solicitor General for Union of India. 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. (1) With respect to the transfer of the land, the affidavit filed by the Union of India is perused wherein it has been stated that out of existing 1012.48 acres, the Ministry of Defence would grant the permission which is pending before the Ministry, however for immediate expansion of 270 acres out of existing 1012.48 acres the working permission can be granted by the Ministry of Defence in piecemeal without any cabinet approval as the same can be taken post grant of working permission. Learned Advocate General would submit that they have already

forwarded the application for transfer of entire land and have done the formalities which was required on the part of the State for return of the entire land and in consequence Rs.93 crores was deposited.

At this juncture, learned counsel for the petitioners would submit that working permission may be granted for 270 acres immediately.

After hearing submission of the parties, it appears that the Union of India expects separate application for grant of working permission for 270 acres of land, however on the other hand the State says that they have done their part and for return of entire land the application is under consideration subject to settlement of terms.

Considering the issue involved in this case, it is about the expansion of the Air Port at Bilaspur which is a felt necessity as on day. Taking into the time which has already rolled by, the issue of return of entire land may take considerable time. However as on date 270 acres, as projected would be required urgently. If the application for return of the entire land has been moved by the State Government, the Union may consider to grant working permission for 270 acres of land subject to the final approval of the cabinet for return of entire land. Considering the public interest in the matter Union of India is directed to consider to grant working permission in respect of 270 acres of land by taking into sweep that the application for return of the entire land of 1012.48 acres are pending, out of that by carving out 270 acres, the working permission is required to be considered by the Union of India as it touches upon the expansion of Air Port at Bilaspur which involves the public interest. The Union of India therefore is directed to consider to grant working

permission for 270 acres of land which would entail for expansion of the Air Port forthwith.

(2) Learned counsel for the petitioners would submit that the construction of the boundary wall was stopped for almost a month that should be completed forthwith.

In contrary to that learned Advocate General vehemently opposes the same and would submit that the construction is going on in respect of the boundary wall.

After hearing both the parties, we deem it proper to direct the respondent to place on record the progress report of the boundary wall of the Air Port by the next date.

(3) In respect of the night landing, it has been stated by learned Advocate General that the lighting work of the runway is complete, however unless and until entire boundary wall is erected, night landing cannot be started. Therefore, existence of the boundary wall is a necessary factor. By the next date, the progress report of the boundary wall as has been stated earlier should be placed on record.

(4) With respect to the direct flight to Delhi it has been stated that it has started for three days a week and in respect of other flights to Kolkata and Hyderabad the Air Lines may explore the possibility to start the operation and may hold necessary meetings.

Learned counsel for the Alliance Air (Air India) would submit that three days Bilaspur-Delhi direct flight has been started and as per the response

gouri	they would increase the days. Alliance Air Authorities and the State Government shall hold a meeting for that under Chairmanship of Chief Secretary of the State. (5) In respect of the direct approach road to the Air Port, it has been submitted that 80% work is complete. By the next date progress report of the same shall be placed before the Court. List both the cases in the week commencing 11th December, 2023. <table><tr><td data-bbox="379 869 641 1034">Sd/- (Goutam Bhaduri) Judge</td><td data-bbox="1129 869 1471 1034">Sd/- (Deepak Kumar Tiwari) Judge</td></tr></table>	Sd/- (Goutam Bhaduri) Judge	Sd/- (Deepak Kumar Tiwari) Judge
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