

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPPIL No. 37 of 2017

Kamal Kumar Dubey Versus Union Of India

WPPIL/67/2017

{Common Order}

12/12/2023	Heard Shri Ashish Shrivastava, Sr. Advocate with Shri Ankur Diwan and Shri Aman Memon, Adv. for the petitioner in WP PIL No.37 of 2017. Shri Sudiep Shrivastava and Shri Manash Vajpai, Adv. for the petitioner in WP PIL No.67 of 2017. Shri Ramakant Mishra, Dy. Solicitor General with Shri Bhupendra Pandey, Shri Rishab Dev Singh & Mrs. Anju Shrivastava, Adv. for the UOI. Shri H.S. Ahluwalia, Dy. Adv. General & Shri Arjit Tiwari, Panel Lawyer for the State. Shri Harshmander Rastogi, Adv. appears on behalf of Shri Shobhit Mishra, Adv. for the IndiGo Airlines. Shri Shobhit Koshta, Adv. for the Alliance Air (Air India). (A) <i>Transfer of land</i> : It has been stated by learned Dy. Solicitor General appearing for the UOI/Ministry of Defence that they have received the proposal to grant working permission from the State Government in respect of 287.39 acres of land, however, on account of discovery of certain discrepancies
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in respect khasra numbers again a letter has been sent to the State Government and in response to the said letter the State has prayed for some time because of Legislative Assembly Elections.

At this juncture, it is worthwhile to mention here that since the elections are over, we deem it proper to direct the State Government to rectify the defects and send the requisite details along with map to the UOI within a fortnight to remove any ambiguity in respect of 287.39 acres of land for which the working permission is required. It is expected that the UOI shall act positively within a suitable time.

(B) Approach Road & Boundary Wall :

So far as construction of approach road and boundary wall is concerned, an affidavit has been filed by the State on 8th December, 2023. Paras 3 & 4 of the said affidavit are relevant and the same are quoted below for ready reference :

3) The deponent hereby submit that, the work with regard to construction of airport approach road i.e. also known as airport link road, the work order was issued to M/s. Gajraj Engineering, Japan Tal Juni Lines Bilaspur with expected completion period up to 12th October, 2023. At present WMM (Wet Mix Macadam) layer has been completed in a length of 1.45 KM. and the crust is ready for bituminous work, which will be completed before 30th December, 2023. In remaining 0.75 KM cement concrete road part encroachers has been removed recently and

looking after the unseasonal rain and wet conditions, road construction work has been started, which will be completed before 15th January, 2024. Only the RCC (Reinforced Cement Concrete) drain part due to running sewer lines and water supply lines in the proposed drain alignment the drain work will be completed by 30th January, 2024, completing the whole project.

4) Further this Hon'ble Court had directed to apprise with regard to the progress of the work with respect to construction of boundary wall at extended portion towards 35 side of runway end which is mandatory for night landing operation to which the deponent hereby submit that administrative approval of Rs. 1.34 crores has been sanctioned by the authority for construction of boundary wall. At present its construction works is in progress and out of 1250 meters of boundary wall 385 meters of boundary wall has been completed, 100 meters of brick masonry work is in progress and 615 meters of foundation work has been completed. In reach of about 150 meters due to waterlogging conditions the work has not been commenced till date. All efforts are being made to drain out the water from the logged area, but again due to the untimely rains, the condition has become worsened, for which efforts are going on to by-pass the water from the construction site. Therefore, considering the sudden downpour and the conditions happened thereafter, out of 1250 meters, in reach of 1100 meters, the work of boundary wall is proposed to be completed by 15th January, 2024 and in the remaining 150 meters, it will be completed by 30th January, 2024.

Having considered the aforesaid submission, since considerable time has passed, the State will make all possible endeavour to complete the construction work of approach road and boundary wall by 15th January, 2024. If necessary, deployment for completion of construction work may be increased.

(C) Direct Flight from Bilaspur to Delhi :

In respect of direct flight from Bilaspur to Delhi is concerned, learned counsel appearing for the petitioners would submit that it started on 3rd November, 2023 and three flights landed & three flights departed in a week, however, all of a sudden it has been stopped by the Alliance Air for the reasons best known to them.

At this stage, learned counsel appearing for the Alliance Air (Air India) would submit that he came to know about the aforesaid fact today itself.

Since on the earlier occasion it was informed to this Court that the direct flight from Bilaspur to Delhi has been started for three days in a week and in respect of other flights to Kolkata and Hyderabad they would explore the possibility to start the operation, but it is manifest that after a week suddenly the service of direct flight to Delhi has been stopped. The way the service of airlines has been stopped cannot be appreciated, Therefore, the Alliance Air (Air India), through their Managing Director or Senior Vice President, may file affidavit assigning reasons. It is made clear that the affidavit may be filed not below the rank of its

Gowri	Senior Vice President. It is also made clear that the affidavit may be filed before a week of the next date of hearing so that the petitioners are apprised of the fact. On the request of learned counsel appearing for the parties, post both these matters on <u>17th January, 2024</u>. Sd/- (Goutam Bhaduri) Judge Sd/- (Deepak Kumar Tiwari) Judge
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