

HIGH COURT OF CHHATTISGARH, BILASPUR

Order Sheet

WPPIL No. 37 of 2017

Kamal Kumar Dubey **Versus** Union of India

WPPIL/67/2017

01/04/2024	Shri Aman Pandey and Shri Aman Memon, Adv. for the petitioner in WPPIL No.37 of 2017. Shri Sudeep Shrivastava, Adv. for the petitioner in WPPIL No.67 of 2017. Shri Ramakant Mishra, Dy. Solicitor General with Miss Anmol Sharma, Adv. for the UOI. Shri R.K. Gupta, Additional Advocate General for the State. Shri Anumeh Shrivastava, Advocate for the Airport Authority of India. Shri Shobhit Koshta, Advocate for Respondent No.8. Shri Shobhit Mishra, Advocate for Indigo Limited. Shri Y.C. Sharma, Sr. Adv. and Shri Rajiv Shrivastava, Sr. Adv. along with Ms. Ritika Dubey, Advocate. Heard. The report of the Commissioners is received. On 19/03/2024 when the issue about the completion of boundary wall of the Airport was being litigated and counter claims were made about the completion, the learned Additional Advocate General, as per the instructions received, submitted that the boundary

wall has been completed in entirety and the circular fencing is in progress. Since it was seriously disputed by the petitioners, we sent the team of Senior Advocates, who were kind enough to inspect the spot immediately and they have submitted the report today along with the photographs.

The report of the Court Commissioners along with photographs would show that the work of the construction of the boundary wall has not been completed yet apart from the fact that the boundary wall according to the Commissioners report as has been revealed by N. Biren Singh, Airport Director, which takes into fold as under:-

- (a) Extended Boundary Wall with the Barbed Wire Fencing and Painting.
- (b) Perimeter Roads.
- (c) Perimeter Lights.
- (d) Watch Towers.
- (e) Removal of Existing Chain Link Fencing.
- (f) Levelling of Ground.

We went through the photographs which are attached with the report, prima facie, it reflects that the boundary wall is not complete, therefore, apparently wrong instructions were imparted to learned Additional Advocate General on 19/03/2024, which made this Court to send the Commissioners to the spot to verify the facts.

Since, apparently it shows that wrong instructions were given to the learned Additional Advocate General, it cannot be so casual as it appears that it amounts to interference with the justice delivery

system to make a wrong submission before the Court as it may lead to passing the wrong order.

On a specific query having been made to learned Additional Advocate General as to who has given the instructions, name of Shri Aditya Grover, who is present in the Court, was disclosed. Under the circumstances, we deem it appropriate to issue a contempt notice to Shri Aditya Grover, who is working as SDO in the area, as to under what circumstances the wrong submission was made before the Court by shelving the truth.

Let a show-cause notice be issued to Shri Aditya Grover, as to why the proper order may not be passed against him under the Contempt of Courts Act. He is given the liberty to file the reply. However, since the contempt notice would be attached with this petition the same shall be separately dealt with.

Learned Additional Advocate General submits that he has received the instructions that the construction work of boundary wall of 1250 meters is complete. He is directed to place it on record the same.

Shri Sudeep Shrivastava, learned counsel for the petitioner would refer to the order dated 13/02/2024 and submits that the flight from Bilaspur to Delhi via Jabalpur for four days and Bilaspur to Delhi via Prayagraj for 3 days accumulated for 7 days were available,

however, as the flight schedule as has been shown for the month of April, 2024 only 15 days flights from Bilaspur to Delhi is available and in the month of May, 2024 only 10 days flight has been shown.

Shri Shobhit Koshta, learned counsel for Respondent No.8 would submit that as per the instructions received that the flight schedule would be rescheduled on 7th April, 2024 with respect to flight from Bilaspur to Delhi & Bilaspur-Prayagraj-Delhi and he would be coming back with the facts.

We direct Shri Shobhit Koshta, learned counsel for Respondent No.8 to file a detailed affidavit in respect of the same by the next date.

Since the report of the Commissioners has been filed in a closed envelop, in order to ensure the fair submission of the parties, let a copy of the report of Commissioners be supplied to learned counsel for the petitioners as also to learned counsel for the respondents.

List it on 10th of April, 2024.

SD/-
(Goutam Bhaduri)
Judge

SD/-
(Radhakishan Agrawal)
Judge

Ashu