

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}

18/07/2024	Shri Ashish Shrivastava, Sr. Advocate with Shri Rohishek Verma, Advocate for the petitioner in WP PIL No.37 of 2017. Shri Sudiep Shrivastava, Advocate for the petitioner in WP PIL No.67 of 2017. Shri Ramakant Mishra, Dy. Solicitor General with Shri Niraj Baghel, Advocate for Union of India. Shri Raj Kumar Gupta, Additional Advocate General for the State. Shri Shobhit Mishra, Advocate for the IndiGo Airlines. Shri Shobhit Koshta, Advocate for the Alliance Air (Air India). Heard. Pursuant to order dated 21/06/2024 compliance report has been filed by the State wherein a meeting was held on 1-7-2024 under the Chairmanship of the Chief Secretary to the State of Chhattisgarh and eventually certain decisions were taken, which is evident from the letter dated 8th July 2024. Para 4 of the said letter is relevant and the same is reproduced hereunder:- “4.In light of the above, Govt. of Chhattisgarh is advised to ensure the installation of Navigational Aids (NDB/VOR) as homing guidance and promulgation of RNP Approaches for IFR operations at airport along with

compliance of ground infrastructure such as Runway strip, RESA, Markings, Signs, Dimension and Slope of Obstacle limitation Surfaces, Secondary power supply, Aeronautical ground lights, approach lights including lighting of significant obstacles etc. before requesting DGCA to amend the issued aerodrome license from VFR(DAY) to All Weather Operations (IFR)."

Under these circumstances, since the issue has been settled at rest as to DVOR (Doppler VHF Omni Directional Range) is to be installed and as per the submission of the learned Additional Advocate General this also would require participation of the Airport Authority of India and DGCA (Directorate General of Civil Aviation).

It is been submitted on behalf of the petitioner that MoU is already existing in between the State Government and the Airport Authority of India, since the issue has been settled, in order to install DVOR and to fast track the same, all the concerned departments i.e. State, Airport Authority of India, DGCA shall hold a meeting so that time line can be fixed and the abnormal delay are arrested. By the next date, after holding a meeting, they shall file before this court the time line to propel the issue.

In respect of the demolition of earlier boundary wall it was stated that the permission is required from Bureau of Civil Aviation, Securities and on 24/05/2024 the inspection has already been made.

Learned counsel for the Union of India, at this moment, is not able to apprise us about what progress has taken place. By the next date, he would apprise this Court what has been transpired as considerable time has passed after the inspection of 24/05/2024.

gouri	Notice be issued to the Director General, Bureau of Civil Aviation Security, A Wing, 3rd Floor, Janpad Bhawan, New Delhi, 110001 to apprise this Court what has transpired with respect to the request made by the State for demolition of the earlier boundary wall. Learned counsel for the Alliance Air would submit that the summer schedule has already been placed on record. So far the demarcation is concerned, certain difficulties have been pointed out by the learned Additional A.G. that because of strike of the Patwaris, the demarcation could not be carried out despite it was scheduled on 11/07/2024. Section 129 of the CG Land Revenue Code, 1959 specially says that demarcation is to be carried out by the Tehsildar or any Revenue Officer. Under the circumstances, SDO (Revenue), Belha, who is in hold of the issue and the Tehsildar, Belha under whose jurisdiction the land area falls shall carry out the demarcation within a further period of three weeks from today. The concerned person from the Estate Officer of the Jabalpur shall also be present on the date of demarcation. The demarcation shall commence on 29th July, 2024. List both the cases after three weeks. Sd/- (Goutam Bhaduri) Judge Sd/- (Radhakishan Agrawal) Judge
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