



HIGH COURT OF CHHATTISGARH AT BILASPUR

WPPIL No. 37 of 2017

Kamal Kumar Dubey (Died) Through Lrs **versus** Union Of India

WPPIL/67/2017

Order Sheet

07/05/2025	Heard Mr. Ashish Shrivastava, learned Senior Advocate assisted by Mr. Rahul Ambast and Ms. Hiya Sonchhatra, Mr. Sudeep Shrivastava, learned counsel for the respective petitioners, Mr. Prafull N Bharat, learned Advocate General, Mr. Y.S.Thakur, learned Additional Advocate General for the State, Mr. Ramakant Mishra, learned Deputy Solicitor General assisted by Ms. Anmol Sharma and Mr. Rishabh Deo Singh, learned counsel for the respondent/Union of India, Mr. Anumeh Shrivastava, learned counsel for the respondent-2 Airport Authority of India, Mr. Shobhit Mishra, learned counsel for the respondent-Indigo Airlines. On the last date of hearing i.e. on 07.04.2025, this Court had directed the Chief Secretary of the State of Chhattisgarh to

file his personal affidavit indicating as to (i) what steps have been taken by the State Government for transfer of land from the Army to the Airport Authority and it is at what stage (ii) what is the stage of construction of the building and electrical works which is required for installation of the DVRO, (iii) whether any request has been made by the State Government for appointment of CNS/ATM Officers to the Airport Authority. The State was further directed to file the DPR as ordered on 27.09.2024 by this Court alongwith any other details which may be relevant for the issues involved in these petitions.

Pursuant to the aforesaid, an affidavit has been filed by the Chief Secretary to the Government of Chhattisgarh, the relevant portion of which reads as under:

“In compliance of the Hon’ble Court’s order dated 07.04.2025, the deponent most humbly submits as under:

(i) What steps have been taken by the State Government for transfer of land from the Army to the Airport Authority and it is at what stage

(a) The defence land is to be transferred not to the Airport Authority of India but to the Directorate of Aviation, Govt. of Chhattisgarh.

(b) Government of Chhattisgarh has initiated the process of transfer of 286.65 acre land from the Indian Army. In response, the Indian Army granted

permission for use of this through letter number 139/SO (II)/D (lands)/ 2023 Dt.30.01.2024.

(c) A team of officials from the Defence Estates Office in Jabalpur, the Revenue Department of Chhattisgarh, and the Public Works Department of Chhattisgarh conducted a joint survey from July 22, 2024 to August 02, 2024. During this survey, some anomalies pertaining to specific survey numbers were identified. As a result, a revised request has been submitted to the Indian Army. Based on these discrepancies, a new online application is being submitted through the Defence Land Projects Portal.

(d) Regarding the demand for payment by the Defence Authorities, the State Government is examining the legal tenability of the demand and for that purpose has sought the necessary documentation from the Defence Authorities.

(ii). What is the stage of construction of the building and electrical works which is required for installation of the DVOR.

(a) Construction work to prepare the site for the installation of DVOR equipment is currently underway, with an allocation of ₹2.73 Crore for the project. Both the civil and electrical works are scheduled to be completed by the end of September 2025. Letters from the Public Works Department are attached for reference. Copy of letters dated 29.04.2025 & 01.05.2025 of the

Public Works Department are filed herewith ANNEXURE D/1 & D/2.

(iii). Whether any request has been made by the State Government for appointment of CNS/ATM Officers to the Airport Authority.

(a) The Government of Chhattisgarh granted consent for additional CNS/ATM manpower for the operation of DVOR equipment, as per letter number 1393/Comm./Vis./2024 dated 30.08.2024. This request has been renewed in letter number 597-1/Comm./Vis./2025, dated 17.04.2025. Copy of letters dated 30.08.2024 and 17.04.2025 are filed herewith as ANNEXURE D/3 & D/4.”

Another affidavit has been filed by the Deputy Director, Aviation, Government of Chhattisgarh, on 05.05.2025 in compliance of the directions issued by this court on 07.04.2025 and 27.09.2024, the relevant portion of which reads as under:

“2. That this affidavit is being executed in terms of directions contained in the orders passed by this Hon'ble Court on 07/04/2025 and 27/09/2024.

3. That this Hon'ble Court has been pleased to direct "The State is further directed to file the DPR as ordered on 27.09.2024 by this Court The State/respondents may furnish any other details which may be relevant for the issues involved in these petitions.

	4. That on 27/09/2024 this Hon'ble Court was pleased to direct With respect to the upgradation of Airport to 4-C category, Detailed Project Report (DPR) is required to be prepared. By the next date, the State shall apprise and place the documents on record as to what steps have been taken in furtherance of such action plan". 5. That in furtherance of the directions of this Hon'ble Court an Economic pre-feasibility study which is an integral part of the DPR preparation is to be undertaken. It is respectfully submitted that during the month of January 2025 quotations were invited from agencies for Economic Pre-Feasibility Study for upgradation of Airport from 3C to 4C Category The quotations were submitted by 30th January 2025. 6. A committee was constituted for scrutinizing these quotations. After scrutinizing the committee submitted its report on 27th March 2025 and recommended issuance of letter of intent in favour of M/s Borkar and Muzumdar A Letter of Intent was issued to M/s. Borkar and Muzumdar on 02/04/2025 with a request to forward the acceptance within 15 days. 7. That the said M/s Borkar and Muzumdar communicated its acceptance and on 18/04/2025 the work order was issued to them. On the same day the agreement was also executed. M/s. Borkar and Muzumdar has to submit its report within two months.
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8. It is respectfully submitted that M/s. Borkar and Muzumdar is expected to submit the report on or before 17/06/2025.

9. That to this effect a communication has been received by the Director Aviation from the Nodal Officer of Bilasa Devi Kevat Airport, Bilaspur on 01/05/2025 A copy of the letter dated 01/05/2025 is annexed with this affidavit as Annexure A-1.

10. That further action will be taken as per the report submitted by M/s Borkar and Muzumdar.”

Mr. Ashish Shrivastava, learned Senior Advocate as well as Mr. Sudeep Shrivastava, learned counsel appearing for the respective petitioners submit that the State has filed affidavit contrary to what has been stated on the earlier occasions. Mr. Ashish submits that the respondent/State are misleading this Court as the pre-feasibility report has already been submitted by the competent authority in January, 2022, which is evident from Document D, annexed with the affidavit filed by the State on 25.09.2024. He has further drawn attention to Document F annexed with the said affidavit. Another affidavit has been filed by the same authority i.e. R.M.Dominic on 04.11.2024, wherein it was stated that the authorities are taking all possible efforts with respect to the upgradation of Airport to 4-C category and for the same, preparation of DPR related to upgradation of Airport to 4C IFR is under process.

Mr. Sudeep Shrivastava, learned counsel submits that the feasibility study of any project is conducted before initiating a project and not after initiating any project. The decision with regard to upgradation of the Airport was taken four years back but till date, no substantial progress has been done.

In response, learned Advocate General assisted by learned Additional Advocate General, submits that the State is doing its best to get the things done as expeditiously as possible, but because of the technicalities involved, it is taking some time and there is no intention on the part of the State or its authorities to delay the work of upgradation of the Bilaspur Airport. Mr. Bharat submits that the economic pre-feasibility report would be prepared by the end of June, 2025, which would be filed before this Court before the next date of hearing.

Mr. Ramakant Mishra, learned Deputy Solicitor General appearing for the Union of India submits that till date, no demarcation of the land belonging to the Army has been done and as such, it has not been formally handed over to the authorities of the Bilaspur Airport, however, permission has been granted to carry out construction work over the land. Even the Army/Defence has not been paid the compensation towards the land which is sought to be acquired for the purpose of the Airport.

The learned Advocate General appearing for the State as well as learned Deputy Solicitor General appearing for the Union of India submit that as there is an order of this Court for transferring 286.65 acres of land to the Bilaspur Airport by the Army as has been observed by a co-ordinate Division Bench vide order dated 27.09.2024, the State Government as well as the Central Government may resolve the said issue at their end.

In view of the above submissions, let a fresh affidavit be filed by the Chief Secretary, Government of Chhattisgarh with respect to the latest position with regard to all the issues involved in these petitions the same be listed in the **month of July, 2025** for further monitoring.

Sd/-
(Arvind Kumar Verma)
JUDGE

Sd/-
(Ramesh Sinha)
CHIEF JUSTICE