

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 4 of 2021 with
MC (PIL) No. 2 of 2021

Date of order: 21.03.2024

Registrar General,
High Court of Meghalaya

vs

State of Meghalaya & ors.

Managing Director, Indigo

vs

Registrar General,
High Court of Meghalaya

Coram:

Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr P. Yobin, Amicus Curiae

For the Respondents : Mr K. Khan, AAG with
Mr A.H. Kharwanlang, Addl Sr. GA
Dr N. Mozika, DSG with
Ms A. Pradhan, Adv.

At the request of the parties, we the sitting Judges, namely, S. Vaidyanathan, Chief Justice and Justice W. Diengdoh, inspected the airport runway at Shillong on **13.03.2024** and has got the following information:-

- (a) Bay has been increased to 4.
- (b) New Air Traffic Control room has been constructed.
- (c) At present, Indigo, Spicejet and Alliance are operating their ATR aircrafts with 72 to 80 passengers.
- (d) The measurement of Runway is 1829mtrs. (6000 in ft.)

- (e) The length of Runway should be widened to 2210 mtrs. (approx) so as to operate Flights like AIRBUS 321 etc., which can carry around 220 passengers.
- (f) On physical inspection it appears that the Runway is suitable for flights to land and take-off with the capacity of 160 to 180 passengers, no flight is operational as on date with such huge numbers.
- (g) Flights are being operated to various cities/States/metros like Delhi, Kolkata, Imphal, Agartala, Lilabari, Aizwal, Dimapur, Guwahati, Silchar, Dibrugarh. Spicejet with 96 passengers fly from Shillong to Delhi.
- (h) Airports Authority of India (AAI) has proposed to conduct LiDAR survey to find out the possibility of expanding the Aerodrome so as to operate Airbus with more number of passengers to various other cities. Tender is at the stage of financial evaluation and is yet to be materialized.
- (i) The Officials, namely, Shri K.L. Nongbri, Joint Secretary, Transport Department, Government of Meghalaya, Chief Engineer, PWD (R) and other PWD officials, Shri Shailesh Kumar Rathore General Manager and other technical officers of the Airports Authority of India including Shri P. Yobin Amicus Curiae and Dr. N. Mozika, DSGI, who were present at the time of inspection, took us to South West side of the Airport, where we noticed a mountain (cluster) at far off place, which, according to the officials, stand in the way of expansion of Airport and huge amount is required for removal of the cluster.

(j) Thereafter, we have inspected the other side of the Airport and we found the availability of sufficient acres of land without any hindrance and the possibility of expanding the aerodrome (landing and take-off) in that South East side can be ascertained or one side can be used for landing or other side for take-off.

2. Officials informed us that in case of difficulty after landing, the flight should be able to take-off and that there should be a provision for the Pilots to take off flights immediately, for which, sufficient distance without any cluster should be provided.

3. Bhopal is the capital of Madhya Pradesh which is the centre of India. Unfortunately, there are no direct flights to the city of lakes. For example, almost every week sitting Judges and judicial officers are going to Bhopal where the National Judicial Academy is situated and conferences are held on Saturday and Sunday.

4. We expressed that since there is no direct flight to Bhopal, in which most of the judicial conferences are held on Saturday and Sunday and on account of non-availability of direct flights, Judges and other Officials are forced to reach Bhopal via Delhi from Guwahati, which consumes more time. Lots of fuel consumption and money wastage. In the National interest, the AAI must ensure at least hopping flights on Friday and Sunday to Bhopal from major cities/States/metros like

Chennai, Kerala, Kolkata, Guwahati, Shillong and the like. The authority must consider that in future, at least, there should be a weekly flight on Friday and Sunday to Bhopal from Shillong directly or hopping flights may be introduced, which can fly upto Bhopal or fly via Bhopal. Every citizen of this Country must visit the 'city of lakes' to know how the waterbody is protected.

5. When small aircrafts carrying 96 passengers are able to fly upto Delhi from Shillong, there cannot be any hurdle for introduction of flights from various metros via Bhopal. Since Shillong is a tourist place, the officials stated that more small aircrafts are required from various places to Shillong to develop tourism.

6. At the time of hearing, Mr. P. Yobin, learned Amicus Curiae drew the attention of the Court to the previous orders dated 06.04.2021 and 02.12.2021 with regard to the inspection of similar Airports like Leh, Paro and Andaman and Nicobar so that the improvement that can be introduced in Shillong could be worked out. Learned Amicus Curiae submitted that it would be proper for the Bench along with the concerned officials of the State and Central authorities to personally visit and inspect such airports in order to get first-hand information with regard to the physical and technical specifications of such airports can

be replicated in Shillong Airport to the extent feasible. Learned Amicus Curiae and the other counsel appearing for the parties prayed that the inspection may be conducted by the Court and date may be fixed in order to yield better result for expansion of the Airport at Shillong. On the request of the counsel for the parties, this Court will visit the three Airports mentioned supra. The Allahabad High Court vide order dated 21.12.2015 passed in Writ-C No.-11830 of 2012 has acceded to the request of the counsel therein for spot inspection and the Court agreed for the same.

7. Learned Additional Advocate General has fairly stated that the State is willing to bear the expenses as they are interested in having a bigger airport so that the area would be developed and every citizen of this Country are attracted to come and visit the State of Meghalaya. We expect that the Airports Authority of India shall arrange proper facilities for smooth visitation and inspection of the Airports at the three places, namely, Leh, Bhutan, and Andaman and Nicobar and also expect that the AAI should take necessary consent from the Ministry of Civil Aviation, New Delhi to take up the matter with the Bhutan Government so that we can inspect the Paro International Airport.

8. We expect the learned Amicus Curiae and respective respondents through their counsel and also the officials of the State and AAI to visit these three Airports from 10.04.2024 to 18.04.2024.

9. In the light of Order 18 Rule 18 of CPC, when Civil Court is empowered to inspect the site in question, this Court has got a right to inspect various aerodromes to bring betterment to this Airport at Shillong for landing of bigger aircrafts.

10. Post the matter for hearing after inspection on 29.04.2024 to enable the parties to submit the status report.

(W. Diengdoh)
Judge

(S. Vaidyanathan)
Chief Justice

Meghalaya
21.03.2024
"Sylvana PS"