

Serial No.01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

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

Date of Order: 11.07.2022

Registrar General,
High Court of Meghalaya

Vs.

State of Meghalaya

Managing Director, Indigo

Vs.

Registrar General,
High Court of Meghalaya

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner

: Ms. B. Ramsiej, Adv vice
Mr. P. Yobin, Amicus Curiae

For the Respondents

: Ms. R. Colney, GA
Mr. N. Mozika, ASG with
Ms. S. Rumthao, Adv

i) Whether approved for reporting in
Law journals etc.: Yes/No

ii) Whether approved for publication
in press: Yes/No

The State reports that despite an Expression of Interest from the general public being sought and the time for receiving responses thereto being extended, only a few responses have been received by or about July 6, 2022 which the State Government is yet to process.

The State seeks time to report on the matter.

It is submitted on behalf of the Airports Authority of India that the exercise of inviting offers may not yield any fruitful result since the State has to identify suitable areas in consultation with the AAI before negotiating with the owners of the land and take steps for outright purchase or for acquisition in accordance with law.

In this context, the AAI points out that there is considerable difficulty in even supplies being sought for a small airport at Umroi since bidders are required to obtain a trade license to be eligible even to bid. It has also come to light that the Khasi Hills Autonomous District Council, under whose jurisdiction the airport at Umroi operates, imposes arbitrary license fees and certain officials make extortionist demands. Complaints in such regard have been made by the AAI to the State Government, but to no avail.

Learned ASG appearing for AAI submits that it is essential to obtain land to ensure that there is a full-fledged airport to service the State and which will cut the travelling time between Guwahati and Shillong. He asserts that the development of an airport will lead to several ancillary businesses coming up and will be a boost for economic development in the State, including its fledgling tourism industry.

While on the subject, learned ASG casually indicates that several other Central organisations or PSUs operating in the State have requested the State for additional land, whether it be the Assam Rifles or the BSF or

even the Indian Oil Corporation Limited, but the State has not taken any meaningful steps in such regard.

Indeed, if the Central Armed Police Forces, particularly Assam Rifles which has its headquarters in Shillong, requires land to set up a protective battalion to guard its headquarters, adequate land within the vicinity of Shillong may be identified and the State should consider taking positive steps in such regard. Further, though the IOCL is in the process of setting up a small bottling plant for LPG in Ri-Bhoi, if a larger bottling plant for its petroleum and related products could be set up, it would enure to the benefit of the State in taxes therefor accruing to the State instead of being earned by the neighbouring States from where the petrol and diesel are carried by tankers into filling stations in the State.

However, at the end of the day it is for the State Government to take a call. If the administration does not want development or is not proactive in such regard which may create job opportunities for the residents in the State upon ensuring that the ecological balance and the environment are not disturbed to any great extent, the Court cannot have an agenda of its own to force development down the administration's throat.

It is a matter of policy that the State has to decide on and as to what, in the administration's opinion, may be best suited for the State and

its residents, particularly keeping in mind the growing aspirations of the more educated young citizens.

It is hoped that the State will find appropriate measures to identify and obtain the land needed for a proper airport, if the State desires that such a project be undertaken. Or, at any rate, the futile exercise of inviting offers may be stopped and no further expenses incurred in such regard. Let the matter appear a fortnight hence for the State to indicate its considered opinion whether it needs or wishes to have a bigger airport or the economic development that is lacking here.

Since the authority of the KHADC to seek license fees and the extent thereof have been called into question, the KHADC is added as a respondent. Advocate for the State will furnish the particulars pertaining to the added respondent so that the appropriate amendment can be carried out in course of the day. The added respondent should be forwarded a copy of this order so that it may be represented on the adjourned date.

List on August 1, 2022.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
11.07.2022
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