

HIGH COURT OF MEGHALAYA
AT SHILLONG

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

Date of Order : 30.04.2025

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 I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner	: None
For the Respondent	: Mr. A. Kumar, Advocate General with Mr. A.H. Kharwanlang, Addl.Sr.GA Ms. O.A.I. Bang, Adv Dr. N. Mozika, DSGI with Ms. K. Gurung, Adv

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| i) | Whether approved for reporting in Law journals etc.: | Yes/No |
| ii) | Whether approved for publication in press: | Yes |

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

This public interest litigation (PIL) concerns development and expansion of the Shillong Airport, so that it can accommodate large jet aircrafts.

Learned Advocate General on behalf of the State government and learned Deputy Solicitor General on behalf of the Airports Authority and also the Director General of Civil Aviation have made very fair and extensive submissions.

From those submissions it appears that the contemplated airport would not be operational before two years or so from date, assuming that the progress of work is made at the rate estimated by learned counsel, on instruction.

Shillong is the capital of Meghalaya. It has only one airport. Only light aircrafts (ATRs) or aircrafts similar to it can operate in this airport as its area is small and the runway short and not deep enough for larger and heavier aircrafts to land or take off. As a result, even when there is a brisk breeze or diminished visibility, aircrafts are unable to land or take off from this airport. Hence, there is frequent cancellation of flights. The absence of any flight operating from the capital, causes great inconvenience to people and to the tourists visiting the State. It is also detrimental to its economy and general welfare.

The following facts emerge from the submissions of learned counsel. The total land required for expansion and development of the airport is about 22 acres, out of which the defence land proposed to be utilised is 10.3 acres

and land from private owners, 11.7 acres. The Defence department is already prepared to provide the 10.3 acres to the Airports Authority on leave and licence basis.

Learned Advocate General submits that 11.7 acres of private land proposed to be utilised would be purchased by the government from individual owners and not acquired under the Land Acquisition Act as the latter method would be time consuming and uncertain in its ultimate outcome.

The proposal to enable purchase of 11.7 acres of land from individual owners by private treaty is before the State cabinet for approval.

We think that this proposal for acquiring land by private treaty is most reasonable in the circumstances. We request the cabinet to immediately approve this proposal on such terms and conditions it thinks fit and proper for speedy completion of the work.

We direct that the cabinet takes its decision within three weeks from communication of this order and if the decision is in favour of acquisition of land by private treaty, the transfer of 11.7 acres should be completed within a further period of eight weeks.

Learned Deputy Solicitor General has submitted that a tender valued at ₹150 crores has been issued for construction of the expanded airport. From the date of entering into the agreement it would take 18 months or so to

complete the construction. Environmental clearance has to be obtained from the Ministry of Environment. Furthermore, the Director General of Civil Aviation is required to approve the proposal.

After land has been acquired and tenders have been invited for construction of a new airport, there is no scope whatsoever for the Director General of Civil Aviation or the Ministry of Environment to hold up sanction of any plan for airport expansion. Both the authorities are directed to forthwith formulate, modify or approve the required plan for expansion of this airport.

We further direct the above Central authorities to take most expeditious steps so that this timeline can be shortened and the airport made operational before two years.

We make this PIL returnable on 15th May, 2025 to receive a report from learned Advocate General's client and the Central agencies represented by learned Deputy Solicitor General as to the action taken or action contemplated in terms of this order.

(W. Diengdoh)
Judge

(I.P. Mukerji)
Chief Justice

Meghalaya
30.04.2025
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