

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 4 of 2021 with
MC (PIL) No.2 of 2021
MC (PIL) No.3 of 2024

Date of order: 16.08.2024

Registrar General,
High Court of Meghalaya

Vs

State of Meghalaya & ors

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
Mr. S. Singpho, Adv
Ms. B. Ramsiej, Adv

For the Respondents : Mr. A. Kumar, AG with
Mr. K. Khan, AAG
Dr. N. Mozika, DSGI with
Ms. L.M.D. Marak, Adv

When the matter was taken up for hearing on 14.08.2024, Mr. P. Yobin, learned Amicus Curiae has submitted a Study Report, in pursuance of the visit to Paro International Airport, Bhutan on 09.08.2024, wherein it has been stated as follows:

“OBSERVATIONS AND RECOMMENDATIONS:

The Long wait for clearance to visit the Paro International Airport to understand the uniqueness of its operational procedure came to an end with Clearance/ Approval dated 8th August 2024 from the Ministry of External Affairs, Government of India.

The Study Tour would not have been possible, if not for the unconditional Assistance rendered by the Royal Government of Bhutan particularly the good office of the Royal Director General of Civil Aviation, I would fail in my endeavour to give my best assistance to this Hon'ble court, if I do not express my sincere gratitude to the Royal Director General of Civil Aviation and its officers and the officers of the Embassy of India in

Bhutan, and also to the officers of the Airports Authority of India.

That, having visited various Airports such as Leh, Port Blair and now Paro, I am convinced without any iota of doubt that “IF TECHNICALITIES ARE ALLOW TO RULE, WAY FORWARD WILL BE BLEAK AND CERTAINLY FADE AWAY”

The Paro International Airport known for world's most challenging Airport for the Pilots to land and take off does with most ease negotiating between the valleys and finally just before touch down the flight takes a sharp right turn from behind a mountain which hides the runway and as soon as the runway becomes visible, there is hardly 20 seconds before the flight makes a touchdown.

Paro has numbered the runway as Runway 33 and Runway 15, Runway 33 is towards South- West direction and Runway 15 is towards North- East direction. The Optical surface limitation is even less than 500 meters towards North East Direction, which is extremely tight comparing Umroi Airport.

Paro being situated at the higher altitude of more than 7000 ft above sea level, it is more challenging than the Umroi Airport which is situated at about 3000 ft above the seal level.

That, it is learned in case of any mis-approached the Pilots are trained to take off inspite of such a tight optical surface limitation on both the side of the Airport.

Therefore, after physical visitation, consultation with the Officers of the Bhutan Civil Aviation and most fortunate interaction with one the Captain of Bhutan Airlines, the following recommendations may be considered:

1. The Optical surface limitation of Paro Airport is less than 500 meters towards North East Direction, and towards the South- West direction is about 3.2 kms with mountains elevating as high as 18,000 Ft. while the Funnel obstacles of Umroi Airport is almost Nil comparing to Paro, therefore possibility of landing Mid-size aircraft cannot be rule out at Umroi Airport.
2. Paro International Airport is situated at the elevation of 7700 ft above the sea level with a Run way length of about 2265 Metres or 7431 feet long, whereas, the Umroi airport is situated at the elevation at about 2910 feet above sea level with a run

way length of 6000.06 feet which is just about 1000 feet less than the Paro International Airport. It is learned that the higher the altitude the more challenging is the landing, and since Umroi airport is located at an elevation of about 2265 Metres, the runway of 6000 feet long is idle for mid-size aircraft.

3. That with regard to the apprehension of commercial viabilities, there is possibility of thinking of hopping flights. Say for example, Umroi to Guwahati or Kolkata and to various destinations. It is to be noted that, Imphal, Aizawl, Dibrugarh, Agartala, Silchar operates hopping flights to Guwahati and to other destinations. Therefore, if other airports can operate Umroi cannot be an exceptional one.

4. The Umroi Airport has got more advantages than the Paro International Airport, because it is fitted with instrument landing system for the period of low visibility and it is also learned that there is no restrictions for the airports set up with Instrument Landing System from permitting visual system of operation, Therefore, Umroi Airport can operate both modes of operation.

CONCLUSION:

That the report is based on site study visit, and information derived based on interaction with the Royal Bhutan Civil Aviation, Officers of the Airport Authority of India, Interaction with Captain of the flights, Piloting Boeing A319 and based on research work from the official website of the Royal Bhutan Airlines.”

2. A close scrutiny of the Report clearly unravels that when the Bhutan Government is able to operate International Flights, which are bigger in size, in their most challenging Airport situated at Paro, permitting mid-size Aircrafts to land and take off in Umroi Airport is much easier for the reason that as stated in the report, the optical surface limitation in the Paro Airport is less than 500 metres towards North-East direction, whereas such limitation in Umroi Airport is more or less 5kms, which, according to Pilots and other Officers is not much challenging one. We have also observed in our previous order dated 29.07.2024, based on the report of the Amicus Curiae that the Cluster-I

is situated 5 kms away in the direction following Runway-22, which can no longer be cited as a reason for non-expansion of the airport, especially after our visit to Paro Airport, in which, bigger aircrafts are operational with the optical surface limitation of less than 500 metres, which is 10 times lesser than Umroi Airport. For the sake of better understanding, the portion of the interim order dated 29.07.2024 is extracted hereunder:

“5. With a view to increase the economy of the State of Meghalaya and to reduce its dependency on other States to reach the city, the present Public Interest Litigation has been filed, in which one Mr. Phuyosas Yobin was appointed as an Amicus Curiae to assist this Court and he has submitted a detailed report dated 21.06.2024, few gist of which is as follows:

“i) The Umroi Airport, which is uni-directional, is situated at 2908 ft. above sea level and became operational in the mid of 1970 and in the year 2009, land measuring about 224.16 acres was acquired for the purpose of expansion of the Airport, that too with an intervention of this Court to enable operations of Aircrafts like Boeing 373 and Airbus A320;

ii) The total area of the Airport is measured as 416.16 acres with the total length of the runway assessed as 6000.06 ft. There are two Runways called Runway-22 and Runway-04 and flights land and take off from Runway-22 and a mountain is situated beyond 10 kms away from the end of the Runway-04. An Instrument Landing System (ILS) is available in Runway-22 and night landing facility is also available;

iii) The Cluster-I causes hindrance for the expansion of runway being materialized, which is situated beyond 5 kms in the direction following Runway-22 on visual assumptions and the Directorate General of Civil Aviation refuses to give its approval for operation of bigger aircrafts on account of set up of ILS instead of Visual Landing System and also non removal obstructions;

iv) The Amicus Curiae also visited Leh and Port Blair Airports and met Airport Authority of India Officials, who had said to be stated that the runway of those Airports had been expanded to 10000 sq.ft and bigger aircrafts are permitted to be operated at Leh Airport (which is more or less similar to Umroi Airport), inspite of high snow cape, which is 1 to 2 kms nearer to the end of runway, as the Visuaal Landing System is followed therein;

v) It is stated in the report that as per his discussion with Officials, 6000 ft runway is sufficient for landing A320 Aircrafts, provided training must be imparted to Pilots to land and take off in such airports and the visual mode facility should be set up to enable Pilots to execute their job perfectly”.

6. We, Judges also visited those Airports and met AAI representatives and obtain their opinion and views so as to implement the same in Umroi Airport at Shillong. Pilots themselves stated that landing and taking off in Leh Airport is really a challenging one, as the same is situated in between Himalayas and since visual landing facility is intact therein, they do not find it much difficult in executing their job therein. In our view, compared to Leh Airport, the operation of bigger aircrafts at Umroi Airport may not be that much difficulty, as the only hurdle that stands in preventing the development of expansion is Cluster-I, which is of course situated 5 kms away in the direction following Runway-22 as pointed out by the Amicus Curiae.

7. We do not lose sight of the fact that the expansion project requires huge sums of money to be spent and is purely a policy decision of the Government. But, at the same time, it is prerogative on the part a welfare State and its Rulers to provide needs and security to its citizens so as to enable them to live peacefully and in that event, the State itself will flourish and become a State of self-sufficiency.

10. On the whole, in our considered opinion after having discussion with the Officials of AAI and Pilots, it is absolutely possible to land and take off mid-size Aircrafts apart from ATR in the runway, having the length of 6000 sq.ft at Shillong, Meghalaya. The only facility which Pilots expect from the State Government is to introduce Visual Landing System, proper

training and infrastructure in coordination with the Central Government. This Court expects the State Government to coordinate with the Central Government to find out the possibility to expand the Airport at Shillong, which, not only fetches income to the State, but also is beneficial to its citizens.”

3. In addition to the above, the Paro Airport is situated 7000ft above sea level and there will not be much difficulty in operating mid-size aircrafts in Umroi Airport, having built up 3000 ft above the sea level.

4. At this juncture, learned DSGI seeks time to file the LiDAR Report, based on which and coupled with the reports of the Amicus Curiae, suitable decision will be taken in respect of grant of permission in operating mid-size aircrafts.

5. We hope that the appropriate Government may make an endeavour to operate hopping flights to Shillong from major cities like Cochin, Chennai, Delhi and Bangalore via Bhopal at least twice a week, i.e., on Thursdays and Mondays. This suggestion is extended by us for the growth and development of tourism industry and also for providing employment opportunities for the downtrodden in Meghalaya, so as to achieve the goal of our mission and vision, 2047 for the development of our nation as a whole.

6. List this matter **after two weeks**. It is made clear that this matter may be listed before the Bench, in which, **Justice W. Diengdoh** should be a member, as this matter has been extensively heard by both of us.

(W. Diengdoh)
Judge

(S. Vaidyanathan)
Chief Justice

Meghalaya
16.08.2024
“Sylvana PS”