

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

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

Date of order: 29.07.2024

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Registrar General, Vs. State of Meghalaya & ors  
High Court of Meghalaya

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**Coram:**

**Hon'ble Mr. Justice S. Vaidyanathan, Chief Justice**  
**Hon'ble Mr. Justice W. Diengdoh, Judge**

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**Appearance:**

For the Petitioner : Mr. P. Yobin, Amicus Curiae with  
Mr. S. Singpho, Adv

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

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The issue in this case revolves around expansion of Airport of Shillong, Meghalaya, so as to enable bigger aircrafts to land and take off.

2. Meghalaya, which was converted into a full-fledged State on 21.01.1972, having 12 districts, is one of the seven sisters State in the North-Eastern part of India. Meghalaya predominantly depends on agrarian economy, as a majority portion of the income of individual is derived from agriculture and the important crops are potatoes, rice, maize, pineapples, bananas, papayas, and spices. In addition to the

above, Tourism Industry plays a vital role in generation of income to the State of Meghalaya and according to a report, the tourism industry of this State is expected to grow to INR 12,000 Crores with an annual footfall of visitors of 20 lakhs by 2028. To achieve this target, it is absolutely necessary to improve all modes of transportations, especially by air, as Air travel is a preferred mode of transportation for certain tourists in order to minimize the time of their journey. Insofar as Meghalaya is concerned, reaching it via air is more comfortable than by road, as the State is dependent on only these two in view of the fact that Meghalaya, being a Hill Station, there are no train routes started by the Governments so far.

3. Though Meghalaya has several tourist spots to visit, it has only one Airport with the name “Umroi” at Shillong with the operation of small aircrafts like ATR-72, Q-400, etc., that too, those are operational, depending upon the climatic situation prevalent therein. To add fuel, there is no direct flight to Shillong, as the passengers are made to wait for 2½ to 3 hours at the Kolkata Airport to catch the connecting flights with limited passengers to fly to Shillong.

4. It is pertinent to mention here that aviation industry is one of the main sources of fetching income to a State, besides providing ample job

opportunities to youngsters. Of late, many businessmen choose a State's air transportation system as their access to markets, as it is roughly estimated that these airports employ more than 15,600 people throughout the State. To develop an Aerodrome of a State and its infrastructures, the mechanism of joint venture between State and Central Governments is highly imperative to reach its goal, as it is incumbent on the part of the State Government to hand over the required land for development of airports free of cost and free from all encumbrances and the successful implementation of joint venture programmes to improve Airports at Vizag, Khajuraaho, Amritsar, Pathankot, Dehradun, Lucknow, Varanasi are few examples, where respective State Governments had given lands free of cost.

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.

8. We have come across an incident, which was widely published in newspapers that when Dr. A.P.J. Abdul Kalam, as President as then he was, visited Mizoram in 2005 and after completing his officials assignments, wanted to leave for Delhi at night and it was reported to him that it is not possible to take off flight during night hours and he had to wait till morning. Annoyed by that answer, he commanded for early arrangements to be made to leave in the night itself. The Officials,

having left with no other option, lit up the runway with lanterns, flaming torches and bonfires to facilitate take off. Hence, where there is a Will, there is a way.

9. There are two types of Officials everywhere and one being an optimistic, who will complete his task and make everything best possible with the available resources and on the other hand, being a pessimistic, who will always speak about negative sides of everything, Unfortunately, most of the Public Servants are having pessimistic characters, as a result of which, Rulers, who are dependent on them, are misguided and struggling to bring about welfare measures to public. The French Ruler Napoleon Bonaparte said that “The word impossible is not in my dictionary.” Similarly, the French Moralist uttered that “Nothing is impossible; there are ways that lead to everything, and if we had sufficient will we should always have sufficient means. It is often merely for an excuse that we say things are impossible.”

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.

11. At the request of Dr. N. Mozika, learned DSGI, post the matter on 02.08.2024 for filing LiDAR survey report and to enable the learned Advocate General to report about the permission for visit at Paro Airport.

**(W. Diengdoh)**  
**Judge**

**(S. Vaidyanathan)**  
**Chief Justice**

Meghalaya  
29.07.2024  
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