



IN THE HIGH COURT OF ORISSA AT CUTTACK

**W.P.(C) No.27648 of 2026
CNR No. ODHC010664372026**

***Luxurio Assets Pvt.Ltd, Nayapalli,
Bhubaneswar***

.... Petitioner

Mr. J.Pal, Advocate

-versus-

Union of India and Ors.

.... Opposite Parties

**CORAM:
SHRI JUSTICE B. P. ROUTRAY
ORDER
28.08.2026**

Order No.

- 01.
1. The matter is taken up through hybrid mode.
 2. Heard Mr. Pal, learned counsel for the Petitioner.
 3. Mr. B.P.Tripathy, learned counsel along with Mr. G.Madani appears for Opposite Parties 3 and 4, i.e. the Airport Authority at B.P. International Airport, Bhubaneswar.
 4. The Petitioner is the owner of the commercial building near the airport and he has prayed as follows:-

“(I) A writ in the nature of mandamus or a writ/order or direction in the nature of writ of mandamus shall not be issued directing the Airport Authority of India to get an aeronautical study carried out at the expense of the petitioner as prescribed in Ministry of Civil Aviation (Height Restrictions for Safeguarding of Aircraft Operations) Rules, 2015 and thereafter take a decision as per Rules 4, 5 and 6 of Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Rules, 2026, if found infringing the safety standard in accordance with law.



(II) To issue a writ of mandamus or writ or order/directions in the nature of writ of mandamus directing the Airport Authority of India to accept and consider the appeal of the petitioner for aeronautical survey under Clause 6.1 of (ADSAC) 03 of 2026 for revision of height clearance offline without insisting upon the removal of construction of 6.31 meters, which is identified today being over the permissible top elevation prescribed in No Objection Certificate dated 27.01.2025 under Annexure-2 series.

(III) the Joint Verification report dated 18.08.2026 under Annexure-8 shall not be quashed as the same has not been done as per the procedure prescribed under Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Rules, 2026.

And

Further quash the letter dated 11.08.2026 under Annexure-7 in which a direction has been issued for removal of infringed height, as such letter dated 11.08.2026 has been issued without following due procedure of law, as has been prescribed under Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Rules, 2026.”

5. It is submitted on behalf of the Petitioner that as per the NOC dated 25th February 2019 granted by the Airport Authority at Annexure-2 the permissible top elevation was 87.37 meters (restricted) above mean sea level, and according to the Petitioner he has not violated such height of top elevation of the building which is also in accordance with the permission granted by the Bhubaneswar Municipal Corporation. However, the dispute raised as per the survey conducted and pursuant to said survey, the highest top elevation of the building is found to be 93.68 meters (Annexure-8). Accordingly, the Petitioner was issued with the



notice for removal of the extra elevation of the top and this is the subject matter of dispute in the present writ petition.

6. It is submitted by Mr. Tripathy, learned counsel on behalf of Opposite Parties 3 and 4 that the prayer of the Petitioner with regard to conducting aeronautical survey, particularly disputing the height of top elevation, at the cost of the Petitioner, may not be objected keeping in view the provisions contained in the Ministry of Civil Aviation (Height Restrictions for Safeguarding of Aircraft Operations) Rules, 2015 and the Aircraft (Demolition of Obstructions caused by Buildings and Trees etc.) Rules, 2026 read with Aerodrome Safeguarding Circular (ADSAC) 03 of 2026.

7. Accordingly, upon hearing both parties and keeping in view the nature of prayer of the Petitioner and the concession rendered on behalf of Opposite Parties 3 and 4, the writ petition is disposed of at the stage of admission permitting the Petitioner to prefer the appeal before appropriate authority as per Clause 6.1 of ADSAC 03 of 2026 relating to his grievance and if permissible, the Appellate Authority may direct for conducting aeronautical study in accordance with the 2015 and 2026 Rules (stated above) at the cost of the Petitioner without further delay.

8. However, it is left open for the Petitioner to seek any interim relief during pendency of the appeal.

9. An urgent certified copy of this order shall be issued on proper application.

(B.P. Routray)
Judge