

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2/2022

Date of order: 07.09.2022

In Re: (Suo motu): Illegal mining Vs. State of Meghalaya
of coal in the State of Meghalaya

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice

Hon'ble Mr. Justice H. S. Thangkhiew, Judge

Hon'ble Mr. Justice W. Diengdoh, Judge

For the Petitioner : -

For the Respondents : Mr. A. Kumar, Advocate General with
Mr. S. Sahay, GA
Ms. R. Colney, GA
Ms. S. Laloo, GA
Dr. N. Mozika, ASG with
Ms. A. Pradhan, Adv
Mr. M.Z. Ahmed, Sr. Adv with
Mr. N. Syngkon, Adv

Issue a suo motu Rule of contempt to the Chief Secretary of the State and the Secretary in the Department of Mining for the flagrant and deliberate violation of orders of this Court and the directions contained therein including in the latest order of August 25, 2022, inter alia, in the following acts of omission and commission:

- (i) Wilful failure to make an inventory of the exact quantum of coal at each place in terms of the order dated August 25, 2022. It will be evident that the relevant order noticed a previous inventory that may have been presented before the National Green Tribunal

and carried to the Supreme Court and the various places where the coal was dumped by the roadside. The order required a fresh inventory to be made, which does not seem to have been done.

(ii) Wilful failure on the part of the contemnors in their official capacities to implement the prohibition of mining coal in the State without obtaining appropriate license in accordance with law. Instances in such regard are available in plain sight all over the State, including in Khliehriat and nearby areas, and are continuously reported in newspapers. Indeed, recent deaths due to rat-hole mining have occurred and have been widely reported. As recently as last week illegal mining in a remote area of West Khasi Hills was also reported.

It is noticed with alarm that the Administration has been attempting to obfuscate the issue which leads to the perception that the Administration may not be serious in implementing the prohibition on coal-mining. Rigs and like structures are used at the mining sites which are visible from quite a distance. Freshly mined coal is easy to identify and is being regularly dumped at several places in the State which previously had no collection of coal. There are also petitions which have been filed pertaining to the transportation of the recently mined coal and the Administration turning a Nelson's eye to the same. Indeed, one of the

petitions pending in this Court speaks of illegally mined coal in the State being shown to have originated in Assam by forging and fabricating documents in such regard.

The foregoing part of this order will not be effective and will remain in abeyance since learned Advocate-General seeks 10 days' time to seriously address all issues.

Let the matter appear 10 days hence.

The report filed by the State to demonstrate purported compliance of the order dated August 25, 2022 must immediately be placed before Justice Katakey for his verification of the steps alleged to have been taken by the State.

List on September 22, 2022.



(W. Diengdoh)
Judge

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
07.09.2022
"Lam DR-PS"