

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

PIL No. 2 of 2022

Date of order: 26.09.2022

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In Re suo motu illegal mining of vs State of Meghalaya  
coal in the State of Meghalaya

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**Coram:**

**Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice**  
**Hon'ble Mr. Justice H. S. Thangkhiew, Judge**  
**Hon'ble Mr. Justice W. Diengdoh, Judge**

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**Appearance:**

For the Petitioner : -

For the Respondent : Mr A. Kumar, AG with  
Ms R. Colney, GA  
Dr N. Mozika, ASG with  
Ms A. Pradhan, Adv.  
Ms B. Dutta, Sr. Adv.

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It is somewhat unfortunate that it is only pursuant to that part of the previous order of September 7, 2022 which was kept in abeyance that some positive measures have now been taken by the State.

A report dated September 19, 2022 has been filed by the State, inter alia, indicating the measurement of all the coal lying in the State except for at a couple of places, According to a bar-chart appended to such report, which appears at page 8 thereof, the total amount of coal available for auction by Coal India Limited is or is expected to be about 31,26,025 MT. The transportation of such coal in a phased manner over

the next five quarters has been indicated in the same chart. It is hoped that the exercise is completed as planned and charted out.

The State's report of September 19, 2022 was placed before Justice B.P. Katakey (retired), who has been appointed by this Court to ensure that the outstanding directions issued by the Supreme Court and the National Green Tribunal are complied with. For the first time, Justice Katakey's latest interim report – the sixth interim report dated September 21, 2022 – indicates that positive and satisfactory measures have, finally, been taken which should aid in the ultimate implementation of the outstanding directions and the sale of all the coal by the end of calendar year 2023.

At paragraph 3.2 of Justice Katakey's sixth interim report, it has been stated that the Secretary to the government of Meghalaya, Mining and Geology Department, and the representative of Coal India Limited had submitted before Justice Katakey that the process of finalisation of the revised comprehensive plan for transportation and auction of the re-verified/reassessed inventorised coal would be completed within a week and the same placed before Justice Katakey. Such interim report also speaks of the completion of the re-verification and reassessment of inventorised coal at the 24 locations indicated in the third interim report of May 23, 2022, except at two locations in the West Khasi Hills District.

Justice Katakey has also reported that the Chief Secretary to the State had submitted a report on the implementation of the outstanding directions. This, obviously, refers to the report dated September 19, 2022 which has been filed in Court.

Random physical verification is proposed to be undertaken by Justice Katakey and the sixth interim report speaks of “Positive steps taken by the Chief Secretary” and that orders of this Court appear now “to bear the fruit...”

The sixth interim report also refers to 92,269.43 MT of recently illegally mined coal that has to be dealt with under the Mines and Mineral (Development and Regulation) Act, 1957.

In view of the above, the part of the order dated September 7, 2022 which had been kept in abeyance is recalled in its entirety. It is hoped that appropriate steps in right earnest will be taken to ensure that all the outstanding directions of the Supreme Court and the NGT are complied with and that illegal coal-mining in the State is completely arrested. A comprehensive process may be initiated by the State government, at its discretion, for permitting mining of coal upon due adherence to the provisions of the Act of 1957.

Let a further ad hoc remuneration of Rs. 2 lakh be paid to Justice Katakey. Final plans for transportation and auction should be placed

before the matter is taken up next and the process of auction started, if possible.

The matter will appear three weeks hence.

List on October 18, 2022.

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

**(H. S. Thangkhiew)**  
**Judge**

**(Sanjib Banerjee)**  
**Chief Justice**

Meghalaya  
26.09.2022  
"Sylvana PS"

