

Serial Nos. 1-5
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2 of 2022 with
PIL No. 8 of 2022
PIL No. 9 of 2022
PIL No. 14 of 2022
PIL No. 1 of 2023

Date of order: 04.10.2023

In Re: (Suo motu): Illegal Mining
of coal in the State of Meghalaya

Champer M. Sangma vs State of Meghalaya & ors
Shailendra Kumar Sharma vs State of Meghalaya & ors
Monu Kumar vs State of Meghalaya & ors
Sri Krishan vs State of Meghalaya & ors

Coram:

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

Appearance in PIL No. 2 of 2022:

For the Petitioner :
For the State : Mr A. Kumar, Advocate-General(VC) with
Mr K. Khan, AAG
Ms R. Colney, GA
For the Union : Dr N. Mozika, DSG with
Ms K. Gurung, Adv.
For Coal India Limited : None

Appearance in PIL No. 8 of 2022:

For the Petitioner : Mr S. Deb, Adv.
For the Respondents : Mr A. Kumar, Advocate-General(VC) with
Mr K. Khan, AAG
Ms R. Colney, GA
Dr N. Mozika, DSG with
Ms K. Gurung, Adv.
Mr D. Nath, GA (VC) [For State of Assam]

Appearance in PIL No. 9 of 2022:

For the Petitioner : None

For the Respondents : Mr A. Kumar, Advocate-General(VC) with
Mr K. Khan, AAG
Ms R. Colney, GA
Dr N. Mozika, DSG with
Ms K. Gurung, Adv.

Appearance in PIL No. 14 of 2022:

For the Petitioner : None

For the Respondents : Mr A. Kumar, Advocate-General(VC) with
Mr K. Khan, AAG
Ms R. Colney, GA

Appearance in PIL No. 1 of 2023:

For the Petitioner : None

For the Respondents : Mr A. Kumar, Advocate-General(VC) with
Mr K. Khan, AAG
Ms R. Colney, GA

A report has been filed by the State pursuant to the previous order of September 26, 2023.

2. In addition to such report dated October 3, 2023, learned Advocate-General submits that details have been obtained and further details are awaited as to the extent of use of coal and the source of such coal in the ferro-alloy, cement and coke industries. Pursuant to certain observations made by Justice Katakey in one of the interim reports, show-cause notices have been issued to some of the units manufacturing cement in the State.

3. Further action in such regard should continue unabated to ensure that the illegally-mined coal in the State is not diverted to such industries as aforesaid.

4. As to the 17th interim report filed by Justice Katakey, the State says that a report will be filed before Justice Katakey by October 7, 2023, as directed, as to the steps taken by the State in respect of various aspects that have been pointed out in the interim report. The State also assures the Court that the disposal of the previously mined coal is continuing as per schedule and, as far as practicable, the schedule submitted in Court will be adhered to.

5. Let the matter now appear six weeks hence. Let Justice Katakey be paid an ad hoc remuneration of Rs. 4 lakh in addition to the other expenses as per previous directions.

6. In PIL No. 8 of 2022, the petitioner has filed an affidavit incorporating certain allegations against Jai Maa Coal Private Limited and the persons in control thereof and other entities which are under the control of such persons. Affidavit-in-opposition to such affidavit may be used within three weeks from date and an affidavit-in-reply within a further week thereafter so that such aspect of the matter is ready for hearing by the adjourned date. The State will also look into the allegations levelled against Jai Maa and its associates and persons in control by the petitioner in the relevant PIL.

7. The State of Assam assures the Court that all assistance has been rendered to Meghalaya Police and the State of Assam will continue to ensure that the incidental activities pertaining to illegal mining in Meghalaya, if conducted in Assam, are arrested.

8. List on November 15, 2023.

(W. Diengdoh)
Judge

(H.S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
04.10.2023
"Sylvana PS"

