

Serial No. 02
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2 of 2022

Date of Order: 06.12.2023

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

Coram:

Hon'ble Mr. H.S. Thangkhiew, Chief Justice (Acting)
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 with
Mr. K. Khan, AAG
Ms. R. Colney, GA

For the Union : Dr. N. Mozika, DSGI with
Ms. S. Rumthao, Adv.

For Coal India Limited : Mr. M.Z. Ahmed, Sr. Adv with
Mrs. B. Dutta, Sr. Adv.
Mr. A.M. Dutta, Adv.

Per H.S. Thangkhiew, Chief Justice (Acting) (ORDER)

1. Pursuant to the 18th Interim Report filed by the Single Member Committee of Justice B.P. Katakey (Retd.), the State respondents have filed a status report thereto, indicating the steps taken on the suggestions made by the Committee. It is relevant to note herein that, in the 18th

Interim Report at Para – 2.2, the Single Member Committee had noted as follows.

“2.2. During the filed (sic) visit of Khliehriat area in East Jaintia Hills District, the Single Member Committee noticed dumping of huge quantities of freshly mined coal by the side of the national highway near Don-Bosco junction as well as behind the Don-Bosco College (former St. Anthony’s College) in Byndihati village. The Single Member Committee also noticed construction of a weighbridge behind the Don-Bosco College in Byndihati village and in the midst of the illegally mined coal dumps as well as near few active coal mines. The said weighbridge is not easily accessible and far from the national highway. Presence of such huge quantity of illegally mined coal, which are neither part of the earlier inventoried nor seized coal, amply establish continued illegal coal mining. The Committee also noticed fresh tyre marks of heavy vehicle in the said area where such coal dumps are available, which also indicates continued transportation of illegally mined coal.”

2. The above observations have been supplemented with photographs of the dumps of alleged illegally mined coal, apart from photographs of an under-construction weighbridge. The Single Member Committee in this context, has sought for a report from the Deputy Commissioner, which was to be furnished within one-week, as to how such illegal coal mining activities could continue.

3. The State respondents in the status report have stated that, an FIR has been filed with the Khliehriat Police Station and that the officials of the Directorate of Mineral Resources, Umkiang check-gate have accessed the quantity of the coal to be about 4900.20 metric tonnes. It has also been sought to explain the said dumping of coal by reporting that, the said coal dump belongs to one, Mul Sympli (NGT Serial No. 1049, co-ordinates N 25.3249, E 92.373775), and that the quantity accessed by the Magistrate in 2019, was 4800 metric tonnes, and that as per the verification and re-assessment, as on 25.08.2023, is 4790 metric tonnes, and as such, is part of inventoried coal and not illegally mined coal. However, as per the information furnished by the Investigating Officer to the Deputy Commissioner, East Jaintia Hills District, dated 21.11.2023 (Annexure – B to the Status Report), the co-ordinates with regard to the said coal dump in the FIR was Latitude 25.3326445 and Longitude 92.3734301, which does not match the earlier co-ordinates of the coal dump of the said Mul Sympli. This finding, coupled with the remarks in the 18th Interim Report, are indeed alarming, and points out to a larger picture of illegal mining still being indulged in with impunity, inspite of the orders of the Supreme Court, NGT and directives of this Court. The fact that, the coal dump is located in a prominent location i.e. behind the Don Bosco College,

Byndihati, speaks volumes about the manner of discharge of duties by the officials concerned, especially the head of Police Administration in the district, i.e. the Superintendent of Police, for which an explanation is called for.

4. As the Single Member Committee, has sought a report, and as it has been informed by the Learned Advocate General that the report has since been furnished, this Court, shall await the further report of the Single Member Committee.

5. However, notwithstanding the finding to be furnished by the Single Member Committee, the Superintendent of Police, East Jaintia Hills District, is directed to be present personally before this Court on the 11th of December, 2023 at 10:30 AM, to clarify the issue.

6. Accordingly, list this matter on 11th December, 2023.

(W. Diengdoh)
Judge

(H.S. Thangkhiew)
Chief Justice (Acting)

Meghalaya
06.12.2023
"D.Thabah-PS"