

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

PIL No.2/2022

Date of order: 01.05.2024

In Re Suo Motu Illegal Mining of Coal in the State of Meghalaya vs. State of Meghalaya

**Coram:**

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

**Appearance:**

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

i) Whether approved for reporting in Law journals etc.: Yes/No  
ii) Whether approved for publication in press: Yes/No

When the matter is taken up for hearing, learned Advocate General produced the status report dated 30.04.2024 wherein, he has drawn the attention of the Court to the various steps taken with regard to curbing of illegal mines and that in so far as South Garo Hills and West Khasi Hills are concerned, actions will have to be initiated under Section 21 of the Mines and Minerals (Development and Regulation)

Act, 1957. In so far as South West Khasi Hills is concerned, the total re-inventoried coal was 2,89,662.454 MT out of which only 5,267.77 MT is lying outside the designated coal depots and no one has come forward to claim and that steps have been taken to seize the coal and the same will be disposed of in accordance with Section 21 of the Act mentioned supra. In so far as East Jaintia Hills District is concerned, till the previous hearing, a total coal of 1,34,608.662 MT remained to be transported and that no one has approached for issuance of transit passes and it has been decided by the Government to take over the coal and transport the same.

2. Learned Advocate General would submit that at present 70,317.66 MT coal is left to be transported. He further submits that the Single Member Committee has directed the State that within 15 days the directions should be complied with. Learned Advocate General further submits that they have acted as per the directions of Justice B.P. Katakey (Retd) and that as per the 21<sup>st</sup> interim report pertaining to seizure of illegally mined coal and its disposal, the steps taken have been narrated in the status report in paragraph 5, which reads as follows:-

“5. That the 21<sup>st</sup> report also made recommendations on seizure of illegally mined coal and its disposal, which is simultaneously being monitored by the Committee of Hon’ble Justice (Retd.) B. Katakey. The committee affirmed the following factual position:

i. **South West Khasi Hills District:**

At present, a total of 34.735 MT of seized coal is available in the district for which application has been filed before the concerned court and order is yet to be obtained for its disposal.

ii. **West Khasi Hills District:**

A total quantity of 1,39,886.43 MT coal seized under the provision of the MMDR Act, 1957 in the district has been auctioned off, which is now being lifted and transported by the auction purchasers.

iii. **East Jaintia Hills District:**

At present one lot of coal which was recently seized is yet to be auctioned off due to reconciliation of mismatch in the quantity as reported to the Deputy Commissioner by the Magistrates and that recorded in the FIR by the Police Authorities. Exact quantity of coal seized has been found to be 7,502,6953 MT and prayer for disposal of the same has been made before the competent court and order is yet to be obtained.

iv. **West Jaintia Hills District:**

- There is a total of more than 1.87 Lakh MT of seized coal in the district and out of which concerned court order has been obtained in respect of 46,882.12 MT.
- In one auction, only 6,504 MT was sold, and 5,004 MT has been lifted by the successful bidders and the balance of 1500 MT is yet to be lifted. Further court order for 1,615.49 MT has been obtained and seized coal has been auctioned off on 21.03.2024 which is yet to be lifted.
- The Deputy Commissioner of the District has informed that due to enforcement of the Model Code of Conduct for Lok Sabha Elections, 2024, the auction of seized/unclaimed coal has been kept on hold and a formal request has been sent to the Chief Electoral Officer, Meghalaya for permission to issue lifting order, which has been sent to Election Commission for approval.

v. **South Garo Hills District:**

A total of 22,565.485 MT of seized coal in the district including the seized coal in and around Lower Gasuapara has been stored at pre-identified site and under police custody. Application has

been filed in the District and Sessions Court for disposal of the same and matter is still pending before the court.”

3. Learned Advocate General also submits that a meeting was convened by the Secretary Mining and Geology Department to finalise the selection of auditors for auditing the Meghalaya Environment Protection and Restoration Fund (MEPRF) and that the proposal has been forwarded to the Oversight Committee for approval in its next sitting. He also further submits that in so far as ferro alloy plants are concerned, the show cause notices have been issued to seven units and the decision will be taken within a period of one month based on the replies that they would be submitted. He also further submits that four applicants who have obtained previous approval for grant of mining lease from the Government of India and whose mining plant has been approved by the Ministry of Coal but the environmental clearance from the concerned authority is yet to be accorded. The State Expert Appraisal Committee is presently scrutinizing each individual project proposal and that the process will take another two to three months for finalisation. He also submits that drone survey and videography as specified by the Court is strictly adhered to and the observation made by this Court in the order dated 14.03.2024 has been forwarded to the Oversight Committee.

4. Learned Advocate General further submits that there is an alleged incident that caused the death of three miners and injury to 12 miners in illegal coal mine in Muriap village which has been reported in the Shillong Times and based on the newspaper report, the National Green Tribunal, New Delhi has taken suo motu case in OA No.479 of 2024. According to the learned Advocate General, the Single Member Committee recommendations and the orders passed by this Court are strictly complied with. Learned Advocate General submits that based on the 22<sup>nd</sup> report which is yet to be received by the State, the State will ensure that illegal coal mining in the State is completely curbed.

5. Justice Katakey (Retd) has submitted another interim report dated 29.04.2023, which is the 22<sup>nd</sup> interim report. Registry is directed to furnish a copy of the said report to all parties concerned and they are expected to raise their objections/status report based on the 22<sup>nd</sup> interim report.

6. Post the matter on 03.06.2024.

**(W. Diengdoh)**  
Judge

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

**(S. Vaidyanathan)**  
Chief Justice

Meghalaya  
01.05.2024  
*"Lam DR-PS"*