

**Serial No. 01**  
**Regular List**

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

PIL No. 2 of 2022

Date of Order: 16.12.2024

Inre Suo Motu Illegal Mining of Coal in the State of Meghalaya Vs. State of Meghalaya

**Coram:**

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

**Hon'ble Mr. Justice W. Diengdoh, Judge**

**Appearance:**

For the Petitioner/Appellant(s) :

For the Respondent(s) : Mr. A. Kumar, AG. with  
Mr. K. Khan, AAG.  
Ms. R. Colney, GA. for R 1.  
Mrs. B. Dutta, Sr. Adv. with  
Mr. A.M. Dutta, Adv. for R 2.

**Per H.S. Thangkhiew, (J):**

1. A status report pursuant to the recommendations made in the 26<sup>th</sup> interim report submitted by Hon'ble Mr. Justice (Retd.) B.P. Katakey Committee, has been filed by the State respondent this morning itself, and placed by the learned Advocate General before this Court. On the recommendations as made in the 26<sup>th</sup> interim report, it is seen that with regard to the Drone survey, the State Government has engaged the

services of the Meghalaya Basin Development Authority (MBDA) with the approval of Hon'ble Mr. Justice (Retd.) B.P. Katakey Committee for conduct of aerial survey of coal lying, if any, outside the CIL designated depots.

2. As per report, it is seen that the financial outlay and approval has now been accorded by the Oversight Committee and M/s Garuda UAV Soft Solutions has been engaged to conduct the survey and work orders are being issued to them for an area of 769.7 sq. kms. It is also seen that the financial approval is to the tune of 7.26 crores, but in the status report, it is not reflected as to the exact time as to when the same should be completed, apart from the initial survey stated to be completed by the end of January, 2025. It is submitted by the learned Advocate General that the specific timeline required will be obtained from the agency and placed before this Court on the next date.

3. With regard to the closure of openings of abandoned coal mines, it is reported that the work has been assigned to the Central Mine Planning & Design Institute Limited (CMPDIL) and an area in Sutnga, East Jaintia Hills District and in Agremgittim, South Garo Hills District has been identified as Pilot Projects. It is further seen from the report that once the survey and analysis work is completed, then based on the

data computed from the surveys, the same will be provided to the CMPDIL for finalization of the Detailed Project Report (DPR) for recommendations with regard to specific technical measures required for mine closure and allied activities. Here too, for the said process of the two Pilot Projects and for the estimated time that they may require, no information has been given. Since the same is a matter of concern, it is expected that the State respondent take up the matter on a priority basis, especially in view of the winter season, where illegal mining activities might take place and the abandoned coal mines reactivated.

4. On the complaints of illegal transportation and compliance with the SOP for transportation of coal originating from outside the State, the present status as per the instant report is that the complaint of one Shri. Krishan dated 14.10.2024, has been closed in view of the fact that the said complainant never appeared before the Committee to substantiate the allegations raised. It is also stated in the report that an Administrative Inquiry has revealed that the Mining and Geology Department, had issued valid transport permissions for a specified quantity to the concerned person i.e. Shri. George Marak and that directions have now been issued to mention the quantity, in all

communications to ensure no confusion is created as to the compliance with the SOP for transport of coal coming from outside.

On another complaint of one Shri. Sanjay R. Marak dated 12.09.2024, it is stated that the Deputy Commissioner, South Garo Hills District has been instructed to submit the final report relating to the allegations. The report, it appears is still awaited. The report does not show when the instructions were given to the Deputy Commissioner. It is also stated that the State Government has also since issued the modified SOP on 05.11.2024 after incorporating suggestions made by the Justice Katakey Committee, and that the same has been issued to all the Deputy Commissioners for strict compliance.

In another complaint of one Shri. Regeenal Shylla dated 31.10.2024, it appears that the same is under inquiry with the final report still to be submitted. It is expected that the final report be submitted positively before the end of the year.

5. With regard to the sale of seized coal, it has been stated that orders have been issued to all the Deputy Commissioners to immediately put up the seized coal within their Districts for auction, for which permission from the concerned Court has been obtained. Directions for

the shifting of seized coal to centralized depots as per the report, has been issued on 09.12.2024, and the report further states that with regard to the further auction of re-verified/re-assessed and re-inventoried coal, the State Government is still awaiting details of the coal available at present, which went unsold during the previous auctions conducted, as also information with regard to the Earnest Money Deposit (EMD) which has been forfeited due to non-payment of the balance auction bid amount. It has been submitted that once the said details or information is received, the same shall be intimated to the Metal Scrap Trade Corporation/Coal India Limited to conduct necessary auction.

6. The report also has touched upon the nature of schemes and the implementation thereof, for alternative sources of livelihood for the coal miners, and it is seen that the Oversight Committee has decided to grant approval in-principle, to certain projects which has been detailed in the status report numbering 5(five).

7. However, with regard to the compliance of other recommendations such as the setting up of the integrated check-gates in Borsona, Cherragaon and Bagli, it appears that no headway has been made, although, it has been stated in the report that another joint inspection has been conducted to identify the designated route to set up

these smart check-gates. It is expected that the State respondent fast track the process, notwithstanding the hurdles as stated in the report with regard to land acquisition or lease of land for setting up of the said integrated check-gates.

8. An overview of the said report therefore, shows that certain progress has been made especially with regard to the Drone survey and steps that have been taken for the closure of the opening abandoned mines, and to the manner in which the seized coal and auction process of the same is to be carried out.

9. Though, this Court is going into recess and will reopen only in the new year at the end of January, 2025, this should not be taken to be a time that the State respondent can be slack or not follow up on the steps that have already been initiated. They are to ensure that compliances with the recommendations be achieved at the earliest and also the same be apprised to the Justice Katakey Committee, before the reopening of the Court.

10. As further remuneration was not extended after 17.09.2024, let a sum of ₹ 3.5 lakhs be paid to Hon'ble Mr. Justice B.P. Katakey (Retd.) including other extra secretarial expenses as incurred.

11. List this matter on 10.02.2025 for further orders.

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

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

Meghalaya  
16.12.2024  
"D. Nary, PS"