

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

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

PIL No. 2 of 2022

Date of order: 21.06.2022

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

**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:**

For the Petitioner : -  
For the Respondent : Mr. A. Kumar, AG with  
Ms. R. Colney, GA  
Dr. N. Mozika, ASG

The State has filed a report by way of an affidavit affirmed on June 20, 2022 by the Commissioner in the Mining and Geology Department. Justice B.P. Katakey (Retd), who has been appointed to oversee and ensure that all the directions issued by the Supreme Court and the National Green Tribunal pertaining to coal-mining in the State are implemented, has filed the first interim report dated June 20, 2022. Justice Katakey's report includes a detailed chart indicating the recommendations made in the preliminary report filed by him, the action taken as per a report received on June 4, 2022 and the action taken as per a further report received on June 15, 2022.

On a preliminary reading of the first interim report, it is evident that a majority of the directions are yet to be implemented though such directions were issued several years back.

Let a copy of the first interim report be made over to the State for the State's comments on the extent of compliance as indicated in such report.

Future affidavits in this matter should be filed by the State through its Chief Secretary since the Chief Secretary has been made responsible to ensure compliance of the directions in the relevant orders. The Chief Secretary will also explain why a recommendation should not be made by this Court for taking appropriate action against such official in view of the abject failure of the State to comply with the directions issued several years back.

In particular, immediate steps should be taken to dispose of the previously mined coal so that freshly mined coal cannot be mixed up with the previous coal and an excuse proffered that the freshly mined coal was also a part of the previously mined coal. For the purpose of ensuring the speedy disposal of coal, the Coal India Limited is added a party to the present proceedings. Coal India Limited will be represented before

Justice Katakey and ensure that the previously mined coal is disposed of as expeditiously as possible.

Let the matter appear a fortnight hence for the State's comments on the first interim report filed by Justice Katakey. By then, the State should be ready with timelines that should meet the approval of Justice Katakey, for the implementation of all the directions issued in the relevant orders passed by the Supreme Court and the NGT.

For the moment, Justice Katakey will be paid a further ad hoc remuneration of Rs. 1.50 lakh and he will also be entitled to run a secretariat till the present commission lasts at an expense not exceeding Rs. 30,000/- per month.

It also appears that the State may be less than willing to prosecute the persons who indulged in or continue to indulge in illegal coal-mining, for obvious reasons. An extreme adverse inference may be drawn by the Court if the State is found lacking in such regard and a comprehensive report of how the State is proceeding with vigour against the illegal miners is not placed before the Court.

Affidavits have also been filed by the Central Pollution Control Board, the North-Eastern Space Applications Centre and the Regional

Office of the Ministry of Environment and Forest. Copies of all affidavits filed in these proceedings should be made available to Justice Katakey.

List on July 12, 2022.

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

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

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

Meghalaya  
21.06.2022  
"Sylvana PS"

