

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2/2022

Date of order: 12.07.2022

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
Mr. K. Khan, Sr.GA
Ms. R. Colney, GA
Dr. N. Mozika, ASG with
Ms. K. Gurung, Adv
Mr. S.P. Mahanta, Sr.Adv with
Mr. M. Lyngdoh, Adv
Mr. M.Z. Ahmed, Sr.Adv with
Ms. B. Dutta, Sr.Adv
Mr. N. Syngkon, Adv

An order passed by the Supreme Court on June 27, 2022 on a special leave petition filed by a party that runs a coke unit in the State has been brought to the notice of this Court.

The relevant order records that the grievance of the petitioners before the Supreme Court was against an order of May 24, 2022 by which this Court had accepted the findings contained in the preliminary report

dated May 23, 2022 filed by Justice B.P. Katakey (Retd). Justice Katakey had earlier been requested by an order of this Court of April 19, 2022 to ascertain the extent to which the directions issued by the Supreme Court and by the National Green Tribunal in respect of establishing and running of coke plants under the Mines and Minerals (Development and Regulation) Act, 1957 had been complied with by the State.

The petitioners before the Supreme Court contended that the order dated May 24, 2022 had been passed by this Court adversely affecting such petitioners, but without hearing them. Such petitioners also asserted that no environmental impact assessment report was necessary to establish a coke plant.

By the aforesaid order of the Supreme Court, leave was given to the petitioners before that Court to apply to be impleaded in the present proceedings and this Court has been required to hear such petitioners for modification of the interim order of May 24, 2022. The directions apparently issued by this Court for dismantling the coke plants have been stayed and made non-operational by the relevant order of the Supreme Court.

Mr. Mahanta appears on behalf of the petitioners before the Supreme Court and seeks time to apply to be impleaded. The application

for impleadment will only be a formality. However, the point of view of the petitioners before the Supreme Court needs to be looked into and, as such, Mr. Mahanta's clients are permitted a week to file the relevant application including all grounds for variation of the order dated May 24, 2022 and possible challenges to the preliminary recommendations of Justice Katakey as contained in the report of May 23, 2022.

Coal India Limited is represented and seeks copies of affidavits filed by the State and the reports prepared, particularly pertaining to how the accumulated coal may be dealt with. All relevant reports, affidavits and papers in such regard should be forwarded to Advocate-on-Record for Coal India Limited as expeditiously as possible.

List this matter a week hence.

List on July 20, 2022.

(W. Diengdoh)
Judge

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
12.07.2022
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