

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

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

PIL No. 2 of 2022 with  
MC (PIL) No. 4 of 2022

Date of order: 20.07.2022

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In Re Suo Motu Illegal Mining of Coal in the State of Meghalaya vs. State of Meghalaya  
JMK Coke Industries Pvt. Ltd. & ors. vs. State of Meghalaya & anr.

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**Coram:**

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

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**Appearance:**

For the Petitioner : -  
For the Respondent : Mr. A. Kumar, AG with  
Ms. R. Colney, GA  
Dr. N. Mozika, Sr. Adv. with  
Ms. A. Pradhan, Adv.  
Mr. S.P. Mahanta, Sr. Adv. with  
Mr. M. Lyngdoh, Adv.  
Mr. A.Z. Ahmed, Sr. Adv. with  
Mr. B. Dutta, Adv.  
Mr. N. Syngkon, Adv.

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Twenty-six applicants have jointly applied to be impleaded and heard.

Such application has been made pursuant to the previous order of this Court of July 12, 2022 which was made upon taking note of an order passed by the Supreme Court on June 27, 2022.

The previous order of July 12, 2022 gave liberty to the party who had applied by before the Supreme Court to formally apply in the present proceedings, though it was also recorded in the order that impleadment of such party would be only a formality. Such party was permitted to indicate its point of view which, presumably, may have been done by way of the application that has been filed. All 26 applicants will be heard. They are represented by common counsel.

The order dated June 27, 2022 passed by the Supreme Court stayed a direction apparently issued by this Court for dismantling all coke plants in the State. Obviously, the petitioner before the Supreme Court must have been the owner or otherwise operating a coke plant, so as to have been aggrieved by the perceived direction.

However, as pointed out by learned Advocate-General, there was no specific direction issued by this Court for shutting down or dismantling coke plants in general or any coke plant in particular. What was required by this Court's previous orders, including the order dated May 24, 2022, was the implementation of the recommendations contained in the preliminary report of Justice B.P. Katakey (retd). The brief for Justice Katakey was to merely ensure that the outstanding

directions issued by the Supreme Court and the National Green Tribunal in the matter of coal-mining and related matters were adhered to.

It is made clear that if any coke plant is operating with appropriate license, appropriate steps have to be taken against such plant in accordance with law before the same is shut down. The recommendation made by Justice Katakey in the preliminary report providing for shutting down coke plants would apply to coke plants operating without any license or permission and functioning otherwise than in accordance with law.

Since an adjournment is sought on behalf of the applicants in MC (PIL) No. 4 of 2022, let the matter stand over for a fortnight.

In the meantime, the recommendations of Justice Katakey for the implementation of the earlier orders of the Supreme Court and the NGT should be followed, particularly in the matter of disposing of the coal that has been lying since or about 2014. Coal India Limited has been requested on the previous occasion to extend all assistance in such regard.

It is also made clear that it will be open to the applicants in MC (PIL) No. 4 of 2022 and Coal India Limited to be represented before Justice Katakey before further recommendations are made by Justice

Katakey. The State's views may also be placed before Justice Katakey in course of a meeting to be convened within the next ten days before further recommendations are made by Justice Katakey, including the modalities for the transportation and sale of the coal.

List on August 11, 2022.

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

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

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

Meghalaya  
20.07.2022  
"Sylvana PS"

