

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 1 of 2024

Date of order: 12.02.2025

Tenny Dard M. Marak vs The State of Meghalaya & ors.

Coram:

Hon'ble Mr. Justice I.P. Mukerji, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Dr. P. Agarwal, Adv.

For the Respondents : Mr. A. Kumar, AG with
 Mr. J.N. Rynjah, GA

i) Whether approved for No
 reporting in Law journals etc.:

ii) Whether approved for publication Yes
 in press:

Note: For proper public information and transparency, any media reporting this judgment is directed to mention the composition of the bench by name of judges, while reporting this judgment/order.

The writ petitioner in this public interest litigation complains of overloaded vehicles being allowed to pass with impunity through weighbridges by government officials. It also complains of malfunctioning weighbridges. This results in a huge revenue loss for the government. This revenue is realisable by way of overloading fee, cess and “royalty” in case of export materials, fine and so on.

We admitted the petition on 5th December, 2024 and directed an inspection to be made by government officials to ascertain the truth of

the statements in the petition and invited a report from the Commissioner of Transport.

We have heard learned counsel for the parties.

A proper inspection in terms of our order, for whatever reason has not been carried out till date.

First of all, there is a dispute between the parties with regard to the number of weighbridges to be covered.

Secondly, learned counsel for the petitioner says that her client did not receive notice of inspection in terms of our order dated 5th December, 2024 at the proper time. Any inspection claimed to be done by the government was done without notice to the petitioner.

Learned Advocate General submits that his government is agreeable to conduct a fresh inspection.

We direct as follows:

- (a) A list of weighbridges is to be prepared and sent by the government to the petitioner by 19th February, 2025. If the petitioner thinks that some weighbridge has been left out he will indicate that to the government. Accordingly, the list will be finalised. The list of weighbridges thus prepared by the government will be treated as final.
- (b) A spot inspection for two hours shall be conducted by the respondents during a time period when vehicular traffic is the greatest through each of the weighbridges maintaining the secrecy as mentioned

in our order dated 5th December, 2024. Inspection of all the weighbridges shall be concluded by 30th April, 2025. A report is also to be filed in terms of our said order dated 5th December, 2024 by 2nd May, 2025.

(c) The schedule for inspection may be set by the respondents, considering the convenience of the petitioner.

List this PIL once again on 8th May, 2025.

(W. Diengdoh)
Judge

(Justice I.P. Mukerji)
Chief Justice

Meghalaya
12.02.2025
"Sylvana PS"