

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.8/2022

Date of Order: 20.03.2023

Champer M. Sangma

Vs.

State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice
Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner

: Mr. S. Dey, Adv with
Mr. S. Deb, Adv

For the Respondents

: Mr. K. Khan, Sr.GA with
Ms. R. Colney, GA
Mr. D. Nath, GA [for State of Assam]
Dr. N. Mozika, DSGI with
Ms. A. Pradhan, Adv
Mr. M.A.I. Hussain, Adv for R/14
Mr. D. Kalita, Adv

At the outset, the petitioner points out that the object of the present public interest litigation is to establish the manner in which certain parties are continuing to indulge in the illegal mining and illegal transportation of coal with the tacit approval of the State.

The petitioner refers to a letter dated April 11, 2022 by which the 14th respondent sought permission from the Deputy Commissioner, South Garo Hills to export the coal available with such respondent at Gasuapara to Bangladesh. The 14th respondent followed it up with a further letter of April 18/25, 2022 wherein it was, inter alia, indicated as follows:

- (i) That the 14th respondent had a deposit of approximately 52,600 MT of coal at Gasuapara;
- (ii) That approximately 5060 trips by vehicles would be required to complete the export of such deposit.

The petitioner claims that for the 14th respondent to have obtained such a huge quantity of coal, there must have been one or more sources. The petitioner also points out that the source could not have been Meghalaya since, pursuant to orders passed by the National Green Tribunal and the Supreme Court, there is a complete ban in place since or about 2016 on mining coal in the State and, as of now, no license has been issued for scientific mining of coal. Further, the previous illegally extracted coal is in the custody of the State and the auction thereof is being monitored in accordance with a schedule that is overseen by this Court. The 52,600 MT of coal referred to in the letter of April 18/25, 2022 by the respondent No.14 could not have been any part of the previous illegally extracted coal as the respondent No.14 had not obtained any coal from any auction, at least till such date.

In view of the nature of the mineral, any person in possession of such vast quantity of coal would obviously have papers to indicate the source or sources thereof as coal is a regulated mineral. Upon the respondent No.14 being queried by the Court as to the source of the quantum of coal indicated in the letter dated April 18/25, 2022, Counsel for such respondent seeks time on personal grounds. Though the matter

was adjourned from time to time for all documents and pleadings being completed, including by the respondent No.14, since the adjournment is sought on the personal ground of Counsel, the prayer is acceded to.

The matter will appear on March 22, 2023. There is no doubt that the respondent No.14 has appended copies of relevant documents to its pleadings indicating the source of the 52,600 MT of coal referred to in the letter of April 18/25, 2022.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
20.03.2023
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