

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.8/2022

Date of order: 04.08.2022

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
Dr. N. Mozika, ASG with
Ms. A. Pradhan, Adv for R/13

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

ii) Whether approved for publication in press: Yes/No

Pursuant to the previous directions, a copy of the preliminary report filed by the State has been made over to the petitioner and the petitioner insinuates that the particulars indicated at page 47 of the preliminary report are demonstrably false.

It will be open to the petitioner to refer to such material as may be necessary to substantiate the insinuation.

The State says that the preliminary report has been filed within a short time pursuant to the directions issued on July 19, 2022 and the State

wishes to use a more detailed affidavit enclosing the documents that would belie the petitioner's claim.

It is necessary that the respondent No.14, Jaimaa Coal Private Limited, be represented. The petitioner says that steps have been taken to serve such entity but there is no proof of service yet.

By the order of July 19, 2022 all the respondents, including the said Jaimaa Coal, were required to be served. Since Jaimaa Coal is represented in another matter before this Bench today, leave is given to Advocate for the petitioner to hand over a copy of the present petition and a copy of the preliminary report filed by the State to Advocate-on-Record for the Jaimaa Coal in the other matter.

Since the matter cannot be adequately dealt with in the absence of the State of Assam, the State of Assam should also be requested to be represented. The petitioner will forward a copy of this order to the appropriate authorities so that the State of Assam is represented.

It will also be open to the petitioner to file a supplementary affidavit to deal with the contents of the preliminary report. Equally, it will be open to the State, before using any further affidavit, to rely on any documents that may refute the underlying charge in the petition.

Since the Coal Controller is a party and is represented, let a copy of the preliminary report be made over to Advocate for the Coal Controller so that the particulars therein may be verified by the Coal Controller and reported to the Court on the adjourned date.

Let the matter appear after 10 days.

List on August 23, 2022.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
04.08.2022
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