

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 8 of 2023

Date of order: 07.08.2023

Champer M Sangma vs The State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice

Hon'ble Mr. Justice B. Bhattacharjee, Judge

Appearance:

For the Petitioner : Mr D. Sey, Adv.
Mr S. Deb, Adv.

For the Respondents : Mr K. Khan, AAG with
Mr S Sengupta, Addl Sr GA [For R 1-5]

This is a further petition filed in public interest by the petitioner pertaining to illegal mining of coal and illegal transportation of the coal in the State.

2. The petitioner has focussed on what is alleged to be the lack of records evidencing the complicity of the State with persons seeking to export the illegally-mined coal in the State by claiming it to have been obtained from elsewhere. The petitioner says that one of the key players, Jaimaa Coal Private Limited, is again involved in the sense that the persons in control of such company have another company by the name of Vaishno Devi Traders Private Limited, a name which came up even in the previous litigation, through which the illegal export activities are carried out. According to the petitioner, more than 440

trucks ought to have been involved in ferrying 5340 metric tonne of coal from East Jaintia Hills, but queries raised under the Right to Information Act, 2005 reveal that no records in such regard are available with the State officials. The petitioner claims that in accordance with law, such records should have been maintained and the State was liable to produce them or furnish information in such regard, when sought. The petitioner further claims that the trucks should have been weighed along the way at least in one of the weighbridges before being allowed to pass and records of such trucks at the relevant weighbridge, should also have been available. The petitioner's queries under the RTI Act have resulted in the relevant officials claiming that there are no records to such effect.

3. This calls for an explanation. The State will respond to the allegations levelled in the petition by way of an affidavit to be filed by the Secretary in the Transport Department. Such affidavit should be filed within three weeks from date.

4. Since one of us (Bhattacharjee, J.), is not inclined to take up this matter, let this matter appear before any other Division Bench.

5. Let copies of the petition be served on the respondent Nos. 6, 7 and 8 with a direction on such respondents to file their affidavits when the matter appears next three weeks hence.

6. It is recorded that no prima facie view has even been taken at this stage; but since some allegations have been levelled, an explanation has been sought.

7. List on August 31, 2023.

(B. Bhattacharjee)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
07.08.2023
"Sylvana PS"

