

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.1/2022 with
MC (PIL) No.1/2022

Date of Order: 09.03.2023

Tennydard M. Marak	Vs.	State of Meghalaya & ors
State of Meghalaya & ors	Vs.	Tennydard M. Marak

Coram:

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

Appearance:

For the Petitioner : Mr. P.T. Sangma, Adv

For the Respondents : Mr. S. Sahay, GA with
Ms. R. Colney, GA

This matter has dragged on for more than a year with very little effort or intent on the part of the State government to check the menace of overloading of goods vehicles that the petitioner perceives to be rampant across the State.

Several reports and affidavits have been filed on behalf of the State. The State admits that there are only a limited number of check-posts and with the addition of several more by the end of this month, the number of check-points in such regard would only have gone up to 23. These are check-points which have or which will have weighbridges to immediately check the weight of the perceived overloaded goods vehicles.

Across the State illegal coal mining continues unabated despite the State's assurance to adhere to subsisting court and tribunal orders and representations to the contrary. Orders of the Court disbelieving the State on the basis of material available have cut no ice with the State. Even

previous orders indicating that the State appears to be complicit in the illegal mining industries have been quietly digested. Indeed, even if local inhabitants are driven to illegal mining, for want of any other source of livelihood, if the illegal transportation thereof across the State were to be arrested, there would be no demand and, consequently, the illegal mining would come down or stop altogether.

Similarly, there is wanton limestone quarrying, more often than not with the State looking the other way. Recent orders of this Court have referred to a mischievous tweak in the rules that allowed incidental mining to be carried out; and, in the name of “incidental” mining, thousands of tonnes of mineral have been disposed of without any licence being obtained or any norms being adhered to.

In addition, there are boulders which are transported out of the State and riverbed mining for sand. No doubt, locals satrap with political connections control such businesses and it suits the State government to not take any measures in such regard.

It is a sorry state of affairs that the executive which is tasked with the duty of protecting and preserving the assets of the State is complicit in the wanton plundering thereof. It will not do to merely have 23 weighbridges across the State, particularly since the State is used as a thoroughfare to reach several other States like Tripura, Mizoram and Manipur and even to the Barak Valley in Assam. Several of these roads, including some of the key roads or bypasses that lead to the southern North-East States, are in a pitiable state. Orders have been passed last week pertaining to the Jowai bypass on the highway that passes through the State through Khliehriat towards Silchar. The extent of the damage is primarily due to overloading of vehicles that the State seems to do little about.

A stricter set of norms needs to be prepared, both for checking and control, if only to stop the plundering of the bountiful of natural resources available and maintain the integrity of the roads, particularly since the roads are exposed to some of the heaviest rain anywhere in the world. The State Transport Secretary will personally look into the matter and devise a scheme to deal with the menace. The Transport Secretary may seek assistance of the Indian Institute of Management, Shillong to prepare a blueprint in such regard. However, the leave to seek external assistance should not be used as an excuse to indefinitely delay the matter. The Transport Secretary will report on the steps taken when the matter appears next three weeks hence.

List on March 31, 2023.

(W. Diengdoh)
Judge



(Sanjib Banerjee)
Chief Justice

Meghalaya

09.03.2023

"Lam DR-PS"