

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2 of 2022

Date of order: 24.05.2022

In Re Suo Motu Illegal Mining
of coal in the State of Meghalaya Vs. State of Meghalaya

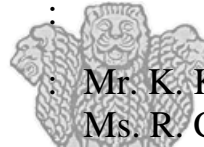
Coram:

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

Appearance:

For the Petitioner :

For the Respondent :


Mr. K. Khan, Sr. GA with
Ms. R. Colney, GA

Pursuant to the order dated April 19, 2022 a preliminary report has been filed by Justice B.P. Katakey (Retd). The report runs into 41 pages and it is dated May 23, 2022.

Voluminous papers in support of the report have also been filed.

No copy of the report was directed to be made over to the State for obvious reasons, since the Court first wanted to assess to what extent the orders passed by the Supreme Court and the directions issued by the NGT had been complied with or implemented by the various authorities.

The preliminary findings in the report dated May 23, 2022 indicate that except for notifying The Meghalaya Minerals (Prevention of Illegal Mining, Transportation and Storage) Rules, 2022 as recently as March 24, 2022, “none of the directions issued by the Hon'ble Supreme Court ... and the NGT have been complied with by the concerned authorities...” The authorities that have been specifically mentioned

include the State of Meghalaya, the State and Central Pollution Control Boards, the North Eastern Space Application Centre and the Integrated Regional Office of the Ministry of Environment, Forest and Climate Change.

In the preliminary findings the details of the non-compliance have been pointed out. In addition, the report makes recommendations to ensure implementation of the outstanding directions in point form, so that the appropriate agencies can deal with the various aspects.

While it is a matter of regret that orders passed by the Supreme Court and by the NGT continue to be violated and the directions issued are not implemented, it is necessary that the recommendations made in the preliminary report of May 23, 2022 be immediately taken note of and the relevant matters addressed. It is made clear that the time for implementation of the outstanding directions will not be counted from today or from the date of institution of the present suo motu proceedings, but from the relevant dates when such directions were issued. As such, all relevant authorities should get their acts in order and ensure the complete implementation of the directions within four weeks from date.

Justice Katakey, will continue to monitor the implementation of the recommendations, including the outstanding orders and the directions of the Supreme Court and the NGT. For such purpose, Justice Katakey will make periodic visits to Shillong, which will be facilitated by the State government. A secretary-level member in the State's civil service should be attached to Justice Katakey to facilitate the monitoring work.

Copies of the preliminary report dated May 23, 2022 should be made over to Advocate for the State in course of the day. The accompanying papers that have come with the preliminary report should

also be made over to the State. The State is requested to have the supporting papers spirally-bound both for the Court and for the State's use. The preliminary report should be kept outside the spirally-bound papers. All the measures which have been recommended should be addressed as expeditiously as possible.

A copy of the preliminary report together with the attendant papers which have been filed will be made over to the Union through the office of learned Assistant Solicitor-General attached to this Court. All the authorities specifically referred to in paragraph 3.2 of the report dated May 23, 2022 should respond individually to indicate to what extent the outstanding directions have been complied with. The State should ensure that copies of this order and the report are immediately reached to all the authorities referred to in paragraph 3.2 of the preliminary report dated May 23, 2022.

The matter will appear four weeks hence.

List on June 21, 2022.

(W. Diengdoh)
Judge

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
24.05.2022
"Sylvana PS"