

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 2/2022

Date of order: 15.05.2023

In Re: (Suo motu): Illegal mining
of coal in the 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

For the Petitioner : -

For the State : Mr. K. Khan, AAG with
Mr. S. Sengupta, Addl.Sr.GA
Ms. R. Colney, GA

For the Union : Dr. N. Mozika, DSGI with
Ms. A. Pradhan, Adv

For Coal India Limited : Mr. A.M. Dutta, Adv vice
Mr. M.Z. Ahmed, Sr.Adv

Dr. N. Mozika appearing for the Union submits that no instructions have been issued as to the availability of Central police personnel for taking up the task of stopping the illegal transportation of illegally mined coal in the State.

2. In the meantime, Justice B.P. Katakey (retired) has filed the 13th interim report. Copies of the 13th interim report be immediately made available to learned Additional Advocate-General appearing for the State and Dr. N. Mozika for the Union. Other parties interested may obtain copies of such report from the Court Master.

3. It is evident from the report that a field visit was conducted by Justice Katakey on May 10, 2023 to obtain first-hand information of coke oven plants and ferro alloy plants in the West Khasi Hills District. The field visit was conducted at Shallang and Kyllonmathei areas of the West Khasi Hills District.

4. It was discovered in course of such field visit that a number of coke oven plants have been set up without obtaining consent to establish or consent to operate or both from the Meghalaya State Pollution Control Board. Pursuant to directions in another public litigation, being PIL No.9 of 2022, the petitioner therein has approached Justice Katakey and Justice Katakey proposes to conduct a field visit in the East Jaintia Hills District in the last week of this month.

5. The observations in the 13th interim report indicate the presence of innumerable dumps having huge quantity of coal around the entire Shallang and Kyllonmathei areas. Indeed, two small coal dumps are noticed outside the boundary wall of Shallang Police Station. By the side of national highway No.127B and within two kilometres of Shallang Police Station, coal dumps are noticed which are covered by polythene sheets. According to the report, two trucks laden with coal, one being registration No.ML 05 - K 0917 and the other without any registration plates were found. The report refers to the fact that the two

months preceding the field visit conducted on May 10, 2023, there were no coal dumps other than the coal in depot No.9, which was a designated depot and the huge quantity of coal found all over the place “are illegally mined and transported coal.” There is a further observation that no action either by the civil administration or the police administration or by any officer authorised under the Mines and Mineral (Development and Regulation) Act, 1957 has been taken for illegal storage and transportation of such huge quantity of coal and that not a single case so far has been registered, not even a complaint filed.

6. According to Justice Katakey, no attempt has been made either by the police administration or by the civil administration to ascertain the owners of the coal, the landowners on whose land the coal has been dumped and the persons who transported such coal; and, no action has been taken against the two coal laden trucks nor any case registered in Shallang Police Station. The report suspects that there was a strong possibility of transportation of illegally mined coal in the Kyllonmathei area to coke oven plants illegally operating around such area.

7. Paragraphs 6.9, 6.10 and 6.11 of the report are set out:

“6.9 Presence of huge quantity of coal near and around Shallang Police Station and distinctly visible from road, rules out the possibility of not having noticed or having no knowledge of the civil and the police administration about dumping/presence of coal in that area.

6.10 The dare devil act of the coal mafias of transportation and dumping of huge quantity of coal within 2 kilometers from the Shallang Police Station and non-initiation of any action in respect of the said coal reflect the apathy of the officers of the concerned departments in stopping the illegal coal mining activities. Such illegal action and inaction on the part of the concerned officers indicate either involvement or blessings of very influential person(s) in carrying out the illegal coal mining activities, without which such illegal activities would not have continued even in broad day light.

6.11 The officers of the concerned departments including the civil and police administration appeared to be the silent spectators of the illegal coal mining activities.”

8. The matter pertaining to the rampant illegal mining and illegal transportation of illegally mined coal has been brought to the notice of the highest officials of the State, including in the police and in the civil administration. Personal affidavits will be filed by the Chief Secretary and the Director-General of Police responding to the facts and the observations indicated in the 13th interim report filed by Justice Katakey. Such affidavits be filed when the matter appears next a week hence. The affidavits will also indicate why contempt proceedings should not be initiated against both the Chief Secretary and the Director-General of Police for their apparent inaction and failure to check the illegal coal mining operations and transportation in the State.

9. Such officials may do well to refer to the original orders passed by the National Green Tribunal and the orders passed by the Supreme Court endorsing the prohibition of illegal mining. This is most

important since the State now plans to open scientific mining. It would be completely unreasonable and arbitrary for a group of persons to be required to undertake mining in a regulated, scientific manner upon paying the due licence fees and royalty therefor; while others are permitted to continue illegal mining without obtaining any permission or paying any revenue to the State for such purpose.

10. The matter will appear on May 23, 2023.

(W. Diengdoh)
Judge

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
15.05.2023
"Lam DR-PS"

