

**Serial No. 02**  
**Regular List**

**HIGH COURT OF MEGHALAYA**  
**AT SHILLONG**

PIL No.9/2022

Date of order: 13.03.2023

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Shailendra Kumar Sharma Vs. State of Meghalaya & ors

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**Coram:**

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

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**Appearance:**

For the Petitioner : Mr. A. Goyal, Adv

For the Respondents : Mr. A. Kumar, Advocate-General with  
Ms. R. Colney, GA  
Dr. N. Moziak, DSGI with  
Ms. A. Pradhan, Adv

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The State fairly submits that there is no impediment to shutting down all illegally operating coke plants in the State.

As to what may be perceived to be illegally operating coke plants would be if such plants do not have any license or permission to operate or, even if they do possess the requisite license, the source of coal is not legitimate. Both aspects are of key importance.

The State offers that this aspect of the matter may also be looked into by Justice Katakey, as suggested on behalf of the petitioner.

Accordingly, the petitioner is given liberty to approach Justice Katakey who has been appointed to monitor the implementation of the orders of the National Green Tribunal and the Supreme Court pertaining to illegal coal mining in the State to ensure that similar illegality is not perpetuated by illegally operating coke plants.

The matter will appear eight weeks hence. Any matter pertaining to illegally operating coke plants may be incorporated in the interim

reports that are filed regularly by Justice Katakey in the suo motu proceedings.

Dr. Mozika, learned DSGI, submits that after orders have been passed for shutting illegal coke plants, the real persons who started the illegal operations may have abandoned most of the coke plants and the local persons or the workers may have taken over their reduced operations. Dr. Mozika, suggests that the identification of the kingpins should not be a difficult job as they are well known.

Learned Advocate-General submits that the State has called upon the investigating agency to trace out the original operators and bring them to book. Additional penal provisions have, apparently, been incorporated in the original FIRs to facilitate such process. If the real culprits are well known, it would be expected of the State to take appropriate action against them in accordance with law.

List on May 9, 2023.

**(W. Diengdoh)**  
**Judge**

**(H. S. Thangkhiew)**  
**Judge**

**(Sanjib Banerjee)**  
**Chief Justice**

Meghalaya  
13.03.2023  
"Lam DR-PS"