

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.9/2022

Date of order: 12.06.2023

Shailendra Kumar Sharma

Vs.

State of Meghalaya & ors

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 : Mr. A. Goyal, Adv

For the Respondents : Mr. K. Khan, AAG with
Ms. R. Colney, GA
Dr. N. Mozika, DSGI with
Ms. A. Pradhan, Adv

The Director-General of Police has filed an affidavit in which it has been mentioned, at paragraph 10 that “the actual owners/operators of the illegal coke plants ... are mostly based in Assam and have been running the illegal business in Meghalaya and several benami transactions have also come to light ...”

2. The petitioner says that the kingpins are well known and are roaming freely in Guwahati with all and sundry knowing of their whereabouts and their operations.

3. It is hoped that the State police takes necessary steps in accordance with law and as expeditiously as possible. A further report

may be filed by the DGP when the matter appears next three weeks hence.

4. Meanwhile, Justice Katakey has filed a 14th interim report, once again indicating the flourishing business in both coke oven and ferro alloy plants. According to the report, there are 13 coke oven plants in operation in the East Jaintia Hills and 38 further coke oven plants which are not in operation. In West Jaintia Hills and South West Khasi Hills there are two and six coke oven plants, respectively which are not in operation. In West Khasi Hills District there are four coke oven plants in operation and 61 others not in operation. In addition, there is one ferro alloy plant operation in the West Khasi Hills District.

5. In Ri-Bhoi, though there are no coke oven plants, five out of seven ferro alloy plants are in operation.

6. Details have been furnished in paragraph 8 as to whether the operating coke oven plants have permission to operate or otherwise.

7. It is difficult to accept that such information as furnished in Justice Katakey's latest report would not be available to the State or the State would not do anything to check the operation of coke oven and ferro alloy plants that continue without any permission. The DGP's next report should deal specifically with such aspect of the matter by

referring to the findings and observations in Justice Katakey's 14th interim report.

8. Copies of the latest report filed by Justice Katakey will be made available to any of the parties who seek it. A copy will be made over by the Department to Mr. Khan, appearing for the State, in course of the day.

9. Leave is given to the petitioner to file an affidavit to deal with the contents of both the affidavit filed on June 8, 2023 by the DGP and the 14th interim report filed by Justice Katakey. The petitioner may furnish any additional information pertaining to the persons who are the real owners of the coke oven and ferro alloy plants in Meghalaya that are operating illegally.

10. This order will not prevent plants which are operating with due permission to continue operations. However, the State must keep a strict vigil on such plants, particularly the source of coal obtained by such plants.

11. List on July 3, 2023.

(W. Diengdoh)
Judge

(H. S. Thangkhiew)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
12.06.2023
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