

Serial No. 01
Regular List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No. 14 of 2022

Date of order: 01.02.2023

Monu Kumar

vs

State of Meghalaya & ors

Coram:

Hon'ble Mr. Justice Sanjib Banerjee, Chief Justice

Hon'ble Mr. Justice W. Diengdoh, Judge

Appearance:

For the Petitioner : Mr A. Kr Baruah, Adv.

For the Respondents : Mr A. Kumar, AG with
Ms A. Thungwa, GA
Ms S. Laloo, GA

The matter pertains to the functioning of illegal coke plants in the State. An affidavit has been filed on behalf of the Deputy Commissioner, West Khasi Hills on January 27, 2023. Paragraphs 4 and 5 of the affidavit are of some relevance:

“4. That it is submitted that in compliance with the directions contained in order dated 16.12.2022, an Order No. NDG.304/2020/Pt.I/208 dated 16.12.2022 was issued for taking immediate steps to shut down all illegal coke plants operating in West Khasi Hills District. In the ensuing raids, it was found that there were coke plants operating during night in the remote areas clandestinely.

“5. The units were immediately shut down and the raw coal and finished product in the form of coke found on the site has been seized *in-situ*, and its quantity is being determined per plant-wise. Upon determination of quantity the coal and finished coke shall be confiscated and disposed of in accordance with law as per Section 21 of the MMDR Act, 1957. In addition thereto the equipment found on site have also been confiscated and which

shall also be seized and proceeded with in accordance with law. Since, the quantity of the material seized required some time for transportation to some Government depot, it has been seized at the site and is presently lying on site under custody of the District Administration and shall be transported after determination of quantity in due course of time. Closure notice has been pasted on each of the 57 coke plants and an F.I.R. has also been filed at Shallang Police Station.”

It is completely unacceptable to this Court that a State government or its officials would be unaware of as many as 57 coke plants functioning in a clandestine manner during the night for such illegal plants to be shut down only to pursuant to orders passed by this Court upon receipt of a public interest litigation. It is the bounden duty of the State to ensure that no activity that requires a licence is carried on without the licence being obtained. Indeed, the State’s stand on the entire issue of illegal mining of coal and functioning of illegal coke plants has been less than satisfactory and, at the highest, equivocal.

It is a matter of crying shame that despite orders of the Supreme Court, no less, a state of anarchy is brought about by the State government by flouting such orders and apparently actively aiding in the illegal mining of coal and the functioning of coke plants without licence in the State. The rampant functioning of illegal coke plants leads to the obvious inference of rampant illegal mining of coal in the State despite the State government’s assurance to the contrary. Earlier today, a fresh petition has

been received pertaining to illegal mining of coal continuing merrily in the South Garo Hills.

The Chief Secretary will file a report at the first sitting of the Court on February 3, 2023 as to the action taken against the erring officials, including notices of suspension, initiation of departmental proceedings, sequestration of assets and the like for the flagrant operation of illegal coke plants. The Chief Secretary will carry the report to the Court and will remain personally liable for any illegal mining of coal or illegal operation of any coke plant in the State.

The remainder of the matter will be considered after receipt of the Chief Secretary's report. Though the State is represented by learned Advocate-General, the Registrar-General will ensure that a copy of this order is served on the Chief Secretary forthwith.

List on February 3, 2023.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
01.02.2023
"Sylvana PS"