

Serial No.01
Supplementary List

HIGH COURT OF MEGHALAYA
AT SHILLONG

PIL No.14/2022

Date of order: 16.12.2022

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 with
Mr. S.A. Sheikh, Adv

For the Respondents

: Mr. K. Khan, Sr.GA with
Mr. S. Sengupta, Addl.Sr.GA
Ms. R. Colney, GA

It is distressing that the State administration appears to be complicit in the illegal functioning of coke plants in the State as is evident from the writ petition and a letter addressed by the Superintendent of Police, West Khasi Hills District to the Deputy Commissioner dated December 15, 2022, a copy whereof has been produced in Court by the State.

It may be recalled that despite this Court's efforts over the last several months to implement the orders passed by the Supreme Court and the National Green Tribunal to prohibit the illegal mining of coal and the illegal setting up of coke plants, the State government has done precious little. Indeed, it now appears that the State government may have helped

circumvent orders and actively connive with the operators of the illegal coke plants. A coke plant is not really a cottage industry that it can be surreptitiously operated from a basement or attic. It takes effort not to notice a fully operational coke plant.

According to the writ petitioner in this public interest matter, there are more than 60 coke making units in the West Khasi Hills District against the admitted position that only four units have been granted consent to operate. These are the only four that had previously obtained consent to establish the units.

The letter dated December 15, 2022 placed on behalf of the State reveals that a spot inspection was conducted by the Committee on Environment of the Meghalaya Legislative Assembly on August 18, 2020 on all the coke making units in and around Shallang, which is in the West Khasi Hills District. This limited inspection revealed 16 coke making units operating without any permission from the appropriate authorities.

According to a document issued by the Meghalaya State Pollution Control Board and relied upon in the writ petition, which is corroborated by the letter of December 15, 2022, only four units – Carbochem India, Shemphang Riangshiang, Rilangam Coke Industries and MD Coke Industries – have consent to operate coke plants in the West Khasi Hills

District. All other coke plants, whatever may be the size and whoever may be directly or indirectly controlling the same, must be shut down as of today. The Chief Secretary will file a compliance report with the Registrar-General by December 19, 2022, confirming such position.

The Deputy Commissioner, West Khasi Hills along with the Superintendent of Police will show cause why appropriate action should be taken against such persons for failing to take steps against all coke making units operating in their jurisdiction without due authority. All Deputy Commissioners and Superintendents of Police in other districts should ensure that there is no coke making unit operating within their jurisdiction otherwise than upon obtaining due consent to operate. All Deputy Commissioners and Superintendents of Police of the districts will confirm such position by filing individual reports addressed to the Chief Secretary within a week from date.

As for those units which have been found to have operated illegally, all raw material and finished product should be seized and immediate appropriate action initiated against the persons in control of the units in accordance with law.

In the suo motu proceedings initiated by this Court pertaining to the continued illegal mining of coal in the State despite the orders of the

Supreme Court and the NGT, the latest order of December 8, 2022 observed, inter alia, that the State Pollution Control Board should maintain a strict vigil to ensure that environmental norms were not violated and, if violated, appropriate action be taken. The functioning of any coke oven plant without due permission would amount to flagrant violation of the environmental norms and the State Pollution Control Board should get cracking against such units in the State which are found to have functioned without due authority of law.

The State is put on notice that if the State is unable to implement this order or the subsisting orders of Courts and Tribunals which are binding on it, this Court will have to look at resources beyond the State to enforce such orders.

It is a matter of crying shame that the position continues, both pertaining to illegal coal mining and the functioning of unauthorised coke oven plants. It may not be a coincidence that the elections are round the corner.

The matter will appear immediately after the vacation and earlier still, if mentioned on behalf of the petitioner upon the failure of the State to strictly comply with the directions contained herein.

The unserved respondents should be served immediately and forwarded copies of this order.

List on February 1, 2023.

(W. Diengdoh)
Judge

(Sanjib Banerjee)
Chief Justice

Meghalaya
16.12.2022
"*Lam* DR-PS"

